

FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1203764-0

Total Deleted Page(s) = 35

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Page 207 ~ b7D;
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UNITED STATES

MENT

Memorandum

TO : MR. STAFFELD *[Signature]*

DATE: October 15, 1969

FROM : J. G. Leggett *[Signature]*

JUNE

SUBJECT: FRANK PETER BALISTRIERI
ANTI-RACKETEERING

Tolson _____
DeLoach _____
Mohr _____
Bishop _____
Casper _____
Callahan _____
Conrad _____
Felt _____
Gale _____
Rosen _____
Sullivan _____
Tavel _____
Trotter _____
Tele. Room _____
Holmes _____
Gandy _____

Cst
While attending a hearing in the Federal Income Tax case of the subject in Federal District Court, Springfield, Illinois, relating to microphone coverage by the Bureau in this matter, the writer on October 9, 1969, delivered to Departmental Attorney [redacted] at his request three xeroxes of an airtel from the Kansas City office to the Bureau dated September 11, 1964, under the above caption consisting of

[redacted] This airtel [redacted] Kansas City airtel to the Bureau dated August 12, 1964 [redacted]

b6
b7C
b7E

[redacted] advised the writer that he made a copy of the September 11, 1964, airtel, referred to above, available to the court and to Counsel for the Defense on October 9, 1969.

On October 13, 1969, a xerox of the Kansas City airtel of August 12, 1964, referred to above, was furnished by the writer to [redacted] at Washington, D. C., upon his request. This was an airtel of [redacted]

On October 14, 1969, upon the further request of [redacted] the writer furnished him with two additional xeroxes of the August 12, 1964, airtel referred to above. [redacted] advised he had informed Defense Counsel of the airtel of August 12, 1964, and the Defense Attorney had agreed that it could be placed in the record of the Balistrieri case in connection with the hearing at Springfield in this matter marked as a Government exhibit and that no further action would be required. [redacted] also indicated that he was furnishing a copy of the August 12, 1964, airtel to the clerk of the Federal District Court, Springfield, Illinois, in connection with this matter.

b6
b7C
b7E

ACTION:

(92-3116) This is for record purposes.

1 - Mr. Staffeld
1 - Mr. Leggett

JGL:jfp

6 OCT 23 1969

EX-102 REC-28 92-3116-591

5 OCT 17 1969

SPEC. MAIL RM.

Mr. Alvin A. Staffold, Jr.
Federal Bureau of Investigation

October 14, 1969

Mr. Fred Folson, Chief of Criminal
Section, Tax Division, Department of Justice

FRANK PETER BALISTRIERI
AIRTEL RECEIPT

This is to acknowledge receipt of two copies of an
airtel dated August 12, 1964, captioned "La Cosa Nostra, aka;
Anti-Racketeering - Conspiracy" relating to [REDACTED]

b7E

Date

Signed

(Furnished on oral request of [REDACTED] former
Department Attorney, temporarily reemployed to handle
electronic surveillance coverage hearing of Balistrieri,
10/9/69, Federal District Court, Springfield, Illinois.)

b6
b7C

ST 109

REC-19

92-3116-5929

10 OCT 20 1969

Tolson _____
DeLoach _____
Mohr _____
Bishop _____
Casper _____
Callahan _____
Conrad _____
Felt _____
Gale _____
Rosen _____
Sullivan _____
Tavel _____
Trotter _____
Tele. Room _____
Holmes _____
Gandy _____

NOV 7 1969

MAIL ROOM TELETYPE UNIT ☐

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Alvin A. Staffeld, Jr.
Federal Bureau of Investigation

DATE: October 14, 1969

FROM : Mr. Fred Folson, Chief of Criminal
Section, Tax Division, Department of Justice

SUBJECT: FRANK PETER BALISTRIERI
AIRTEL RECEIPT

This is to acknowledge receipt of two copies of an airtel dated August 12, 1964, captioned "La Cosa Nostra, aka; Anti-Racketeering - Conspiracy" relating to [REDACTED]

b6
b7C
b7E

Oct. 14 1969
Date

A handwritten signature or initials, possibly "JF", written in dark ink.

g.
can
Fred Folson
Chief of Criminal Section
Tax Division

October 13, 1969

Alvin A. Staffeld, Jr.
Federal Bureau of Investigation

FRANK PETER BALISTRIERI
LOG RECEIPT

This is to acknowledge receipt of an
airtel dated August 12, 1964, captioned, " La Cosa
Nostra, aka; Anti-Racketeering - Conspiracy "
relating to [redacted]

and [redacted]

b6
b7C
b7E

October 13, 1969
Date

[redacted]
Signed

(Furnished on oral request of [redacted] former
Department Attorney temporarily re-employed to handle
electronic surveillance coverage hearing of Balistrieri,
10/9/69, Federal District Court, Springfield, Illinois.)

g.
can

10-21-69

AIRTEL

To: SAC, Milwaukee

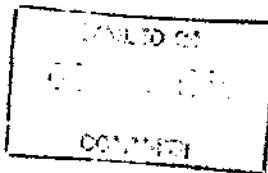
From: Director, FBI

FRANK PETER ^PBALISTRIERI
AR

ReButelcall 10-21-69.

Enclosed for your assistance are two copies of a memorandum received from the Department under date of October 20, 1969, concerning captioned matter.

Enc. (2)



JGL:msm
(4) *7/10/79*

EX-111

REC-40

92-3116-593

19 OCT 22 1969

Mail Room ☒ Teletype Unit ☐

- | | |
|--------------|-------|
| Mr. Tolson | _____ |
| Mr. DeLoach | _____ |
| Mr. Mohr | _____ |
| Mr. Bishop | _____ |
| Mr. Casper | _____ |
| Mr. Callahan | _____ |
| Mr. Conrad | _____ |
| Mr. Felt | _____ |
| Mr. Gale | _____ |
| Mr. Rosen | _____ |
| Mr. Sullivan | _____ |
| Mr. Tavel | _____ |
| Mr. Trotter | _____ |
| Tele. Room | _____ |
| Miss Holmes | _____ |
| Miss Gandy | _____ |

October 22, 1969

Airtel

To: SAC, Springfield

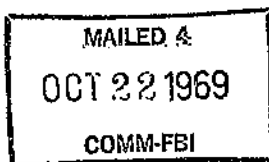
From: Director, FBI

plf
FRANK PETER ^①BALISTRIERI
AR

Enclosed for your information are two copies of a memorandum received from the Department under date of October 20, 1969, concerning captioned matter.

Milwaukee has been instructed to furnish the information requested by the Department.

Enc. (2)



Tolson _____
DeLoach _____
Walters _____
Mohr _____
Bishop _____
Casper _____
Callahan _____
Conrad _____
Felt _____
Gale _____
Rosen _____
Sullivan _____
Tavel _____
Trotter _____
Tele. Room _____
Holmes _____
Gandy _____

JGL:jfp
(4)

59 OCT 29 1969

MAIL ROOM ☐ TELETYPE UNIT ☐

EX-106
REC-65

92-3116-594

OCT 22 1969

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Casper

FROM : SA [redacted]

SUBJECT: FRANK PETER BALISTRIERI
ANTI-RACKETEERING

DATE: October 30, 1969

Tolson	✓
DeLoach	✓
Walters	
Mohr	
Bishop	
Casper	
Callahan	
Conrad	
Felt	
Gale	
Rosen	
Sullivan	
Tavel	
Trotter	
Tele. Room	
Holmes	
Gandy	

At 2:55 p.m. today I was served with three summons by Deputy U. S. Marshal [redacted]. These summons are in connection with damage suits against me and others by the subject and two of his associates.

For your additional information, I delivered these summons to the office of [redacted] U. S. Department of Justice, who has been designated by the Department to represent me in this litigation.

ACTION:

For information.

REC-87

ST. 109

92-3116-595
5 NOV 4 1969

1 - Mr. Callahan
1 - Mr. Gale
JEO:aga
(4)

54 NOV 10 1969
396

UNITED STATES GOVERNMENT

Memorandum

Tolson _____
DeLoach _____
Walters _____
Mohr _____
Bishop _____
Casper _____
Callahan _____
Conrad _____
Felt _____
Gale _____
Rosen _____
Sullivan _____
Tavel _____
Trotter _____
Tele. Room _____
Holmes _____
Gandy _____

TO : Mr. Mohr

DATE: October 22, 1969

FROM : J. J. Casper

SUBJECT: FRANK PETER BALISTRIERI
ANTI-RACKETEERING

Attached is a memorandum from SA [redacted] requesting that the Department represent him in a pending suit against him involving the captioned matter. This memorandum has been requested by the Department.

b6
b7C

RECOMMENDATION:

That this memorandum and enclosure be referred to the Special Investigative Division.

ICC OF ATTACHMENT TO DEPT ATTY [redacted]
10-24-69 J.G.L.

b6
b7C

REC- 87

92-3116-596

ST 109

9 OCT 30 1969

Enclosure

1 - Mr. Callahan (Enclosure)

1 - Mr. Gale (Enclosure)

1 - Personnel file of SA [redacted] (Enclosure)

TJJ:aga

(5)

54 NOV 10 1969

UNITED STATES GOVERNMENT

Memorandum

Tolson _____
DeLoach _____
Walters _____
Mohr _____
Bishop _____
Casper _____
Callahan _____
Conrad _____
Felt _____
Gale _____
Rosen _____
Sullivan _____
Tavel _____
Trotter _____
Tele. Room _____
Holmes _____ b6
Gandy _____ b7C

TO : Mr. Casper

DATE: October 22, 1969

FROM : SA [REDACTED]

SUBJECT: FRANK PETER BALISTRIERI
ANTI-RACKETEERING

In connection with a suit filed by subject against me and three former Special Agents now retired, I am requesting the U. S. Department of Justice to represent me in this pending litigation.

During the period of 1960 - 1968 while assigned to the Milwaukee Division I, in an official capacity, installed electronic listening devices in the instant matter.

ICC DELIVERED TO DEPT. ATTY

[REDACTED]

10-24-69

JGL. b6
b7C

REC- 87
ST. 109

92-3116-597

JEO:les:aga
(5)

2 OCT 30 1969

4 NOV 10 1969

10/1/69

Airtel

To: SAC, Chicago

From: Director, FBI

FRANK PETER BALISTRERI
AR

Re Bureau airtel 9/23/69.

Department has indicated that former Departmental Attorney [redacted] will possibly be temporarily re-employed to handle forthcoming electronic hearing in the captioned matter at Springfield, Illinois, on 10/9-10/69.

b6
b7C

[redacted] has advised he desires to confer in Chicago office with SA [redacted] and Special Employee [redacted] of the Chicago office on the afternoon of 10/7/69 relative to their testimony in this matter. He further desires that [redacted] and Bureau Supervisor John G. Leggett be available for prehearing conference in Springfield, Illinois, during afternoon of 10/8/69.

- 1 - Springfield (for info)
- 1 - Milwaukee (for info)

NOTE: The Department has requested FBI testimony in connection with a hearing concerning Bureau electronic surveillance of the subject scheduled for 10/9-10/69, Springfield, Illinois. Balistreri has been convicted of Federal income tax violation and his case has been remanded by the United States Supreme Court to the District Court for further hearing on electronic coverage matters. Testimony is desired from SA [redacted] and Special Employee [redacted] of the Chicago office and SA John G. Leggett assigned to Headquarters, Washington, D. C., has been designated as the Bureau representative to testify concerning production of all FBI electronic surveillance material in which Balistreri was overheard. [redacted] has previously handled this matter for the Department and is now in private practice, however, because of his familiarity with the case, the Department is re-employing him temporarily to conduct the above electronic surveillance hearing.

b6
b7C

MAILED 24
OCT 1 - 1969
COMM-FBI

Tolson _____
DeLoach _____
Mohr _____
Bishop _____
Casper _____
Callahan _____
Conrad _____
Felt _____
Gale _____
Rosen _____
Sullivan _____
Tavel _____
Trotter _____
Tele. Room _____
Holmes _____
Gandy _____

JGL:jfp
(6)

MAIL ROOM ☐ TELETYPE UNIT ☐

COMMUNICATIONS SECTION
FBI

SEP 16 1969

TELETYPE

Mr. Tolson	_____
Mr. DeLoach	_____
Mr. Mohr	_____
Mr. Bishop	_____
Mr. Casper	_____
Mr. Callahan	_____
Mr. Conrad	_____
Mr. Felt	_____
Mr. Gale	_____
Mr. Rosen	_____
Mr. Sullivan	_____
Mr. Tavel	_____
Mr. Trotter	_____
Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

P
FBI WASH DC

FBI MILWAUK

912_

PM URGENT 9/16/69 WWM

TO : DIRECTOR (92-3116)

FROM: MILWAUKEE (94-316) 2P

FRANK PETER BALISTRIERI, AKA, AR OO: MILWAUKEE

RE MYTEL SEPTEMBER ELEVEN LAST.

[REDACTED] INVESTIGATOR, STATE ATTORNEY

GENERALS OFFICE, DIVISION OF CRIMINAL INVESTIGATION, ADVISED TODAY PAPERS HAD BEEN SERVED TO DISSOLVE BEN-KAY INC., A CORPORATION DOING BUSINESS AS THE DOWNTOWNER COCKTAIL LOUNGE OPERATED BY BALISTRIERI, FOR FAILURE TO FILE ANNUAL REPORTS AS REQUIRED BY STATE LAW. SIMILAR ACTION TAKEN AGAINST ARQUEBUS LTD., A NON OPERATING FIRM HEADED BY BALISTRIERI'S SON JOSEPH P. BALISTRIERI.

ACCORDING TO [REDACTED] BALISTRIERI DENIED HIS IDENTITY

WHEN ATTEMPTS MADE TO SERVE HIM WITH PAPERS. STATE A.G.

MAKING DETERMINATION IF POSSIBLE OBSTRUCTION OF JUSTICE EXISTS. DISSOLUTION ACTIONS AGAINST THREE OTHER CORPORATIONS IN WHICH BALISTRIERI HAS AN INTEREST IS EXPECTED LATER

END PAGE ONE

b6
b7C

b6
b7C

REC-138 92-3116-598
EX-103

NOV 7 1969

MI 94-316

PAGE TWO

THIS WEEK.

BUREAU WILL BE ADVISED OF FURTHER DEVELOPMENTS.

END

ERT

FBI WASH DC

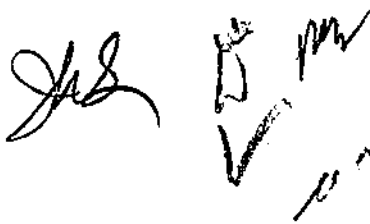
P

October 10, 1969

SPECIAL INVESTIGATION DIVISION

In accord with Supreme Court order, rehearing held yesterday in Springfield, Illinois, U. S. District Court, relative to electronic surveillance coverage previously maintained on Milwaukee La Cosa Nostra boss Balistrieri and disclosed during his trial on income tax violation. U. S. District Judge, after hearing, decided in favor of the Government indicating Balistrieri's trial and conviction not tainted as result of electronic surveillance coverage. Balistrieri resentedenced to two years on each of two counts and fined \$5,000 on each of two counts. Sentences to run concurrently while the fine is cumulative. Balistrieri released pending appeal.

AAS:lab

Handwritten signatures and initials, including a large signature that appears to be 'JAS' and several other initials and marks.

NA 20/9/69
FBI WASH DC

RECEIVED
COMMUNICATIONS SECTION

Viper
DMS

FBI SPRNGFLD

TELETYPE

422PM URGENT 10-9-69 DMJ

TO DIRECTOR (92-3116) MILWAUKEE AND ST. LOUIS
FROM SPRINGFIELD (92-209)

Anti-Racketeering

FRANK PETER BALISTRIERI, AR, OO: MILWAUKEE.

AT HEARING TODAY IN FEDERAL DISTRICT COURT, SPRINGFIELD, ILLINOIS, CONCERNING ELECTRONIC COVERAGE OF SUBJECT, JUDGE OMER POOS DENIED ALL MOTIONS OF SUBJECT AND DECIDED IN FAVOR OF GOVERNMENT.

BALISTRIERI, WHO IS HEAD OF THE LA COSA NOSTRA FAMILY IN MILWAUKEE WAS RESENTENCED TO TWO YEARS AND FIVE THOUSAND DOLLARS EACH ON TWO COUNTS OF FEDERAL INCOME TAX VIOLATION. THE SENTENCES ARE CONCURRENT AND THE FINES ARE CUMULATIVE IN THE TOTAL SUM OF TEN THOUSAND DOLLARS. BALISTRIERI WAS CONTINUED UNDER FIVE THOUSAND DOLLARS BOND PENDING APPEAL.

BUREAU PERSONNEL FROM THE SEAT OF GOVERNMENT AND CHICAGO OFFICE WERE PRESENT FOR TESTIMONY AND MATTER WAS HANDLED IN COURT BY FORMER DEPARTMENTAL ATTORNEY [REDACTED] WHO WAS TEMPORARILY RE - EMPLOYED TO CONDUCT THE HEARING IN VIEW OF HIS PAST FAMILIARITY WITH THE CASE OF THIS TOP HOODLUM FIGURE.

END

REM

REC-117

92-3116-599

9 NOV 18 1969

67 NOV 19 1969
CC MR. GALE

MR. BILLOUGH FOR THE DIRECTOR

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b7c

SPECIAL INVESTIGATIVE DIVISION
October 15, 1969

Attached teletype advises that hoodlum oriented Milwaukee attorney Dominic Frinzi has instituted a million dollar suit in State Circuit Court, Milwaukee, against three employees of Wisconsin Telephone Company and former Bureau Agents John A. Holtzman, Alexander P. LeGrand, Clark E. Lovrien, and Bureau Supervisor [redacted] all b6 formerly of Milwaukee office. No indication b7c at this point that Bureau or Government named as defendants. Suit is based on maintenance of Bureau microphone in Frinzi's office from 4-22-63 to 10-2-63. Frinzi is associate of Milwaukee La Cosa Nostra boss Frank Peter Balistrieri and microphone was installed to develop information of hoodlum associations and on murder of Anthony Biernat, Milwaukee juke box operator who was killed in gangland fashion in 1963. Microphone was disclosed and log turned over during 1966 trial of Balistrieri on Federal income tax charge, United States District Court, Springfield, Illinois, on which he was convicted.

Suit alleges conspiracy to deprive Frinzi of lawful use of his premises and seeks compensatory damages of \$500,000 and punitive damages of \$500,000. Milwaukee attorney [redacted] former president of Wisconsin State Bar Association, handling suit for Frinzi.

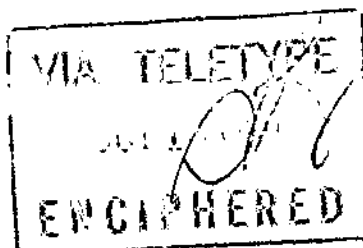
United States Attorney David J. Cannon, Eastern District of Wisconsin handling matter for Government and is conferring with Department as to procedure to follow. Milwaukee is following matter very closely for all developments and will keep Bureau promptly advised.

JGL:msm



2:07 PM URGENT 10-14-69 ATS

TO DIRECTOR
FROM MILWAUKEE



PARAPHRASE IF DISSEMINATED

JUNE.

also known as Anti-Racketeering
FRANK PETER BALISTRIERI, AKA, AR. OO: MILWAUKEE.
Office of Origin

CAPTAIN [REDACTED] ^{NATIONAL ACADEMY} (NA), MILWAUKEE COUNTY SO ^{Sheriff's Office}

CONFIDENTIALLY ADVISED, HIS OFFICE HAS RECEIVED SUMMONS AND
COMPLAINTS FOR SERVICE IN CONNECTION WITH A ONE MILLION
DOLLAR SUIT BEING INSTITUTED BY MILWAUKEE ATTORNEY DOMINIC HENRY
FRINZI (SUBJECT OF BUFILE NINE TWO DASH SIX EIGHT ZERO FIVE,
MIFILE NINE TWO DASH TWO TWO TWO) IN STATE CIRCUIT COURT MILWAUKEE
AGAINST FORMER ^{SPECIAL AGENTS} SA'S JOHN A. HOLTZMAN, ALEXANDER P. LE GRAND,
CLARK E. LOVRIEN, BUREAU SUPERVISOR SA ^{SPECIAL AGENT} [REDACTED] (NAC # 8)
TELEPHONE COMPANY EMPLOYEES [REDACTED]

[REDACTED] AND THE WISCONSIN TELEPHONE COMPANY.

HIS OFFICE IS IN PROCESS OF SERVING THE PAPERS.

SUIT CHARGES DEFENDANTS IN CONSPIRING IN THE INSTALLATION
OF MICROPHONE IN FRINZI'S OFFICE, ONE SIX ONE W. WISCONSIN
AVENUE, MILWAUKEE, ON OR ABOUT APRIL TWO THREE, SIXTYTHREE, AND
WHICH CONSPIRACY DEPRIVED FRINZI OF THE PRIVATE, PEACEFUL AND
LAWFUL USE OF HIS LEASED PREMISES.

KNOWLEDGE OF EXISTENCE OF THE MICROPHONE AND THE EAVESDROPPING
CAME TO FRINZI ON OCTOBER SEVENTEEN, SIXTYSIX, DURING

END PAGE ONE

67 NOV 19 1969

MR. DELOACH FOR THE DIRECTOR

Mr. Tolson
Mr. DeLoach
Mr. Mohr
Mr. Bishop
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

b6
b7c

REC-117 93-3116-600

9 NOV 13 1969

PAGE TWO

U. S. District Court

TESTIMONY ~~BE~~ CERTAIN OF THE DEFENDANTS IN USDC, SOUTHERN
DISTRICT OF ILLINOIS.

SUIT REQUESTS COMPENSATORY DAMAGES IN THE AMOUNT OF FIVE
HUNDRED THOUSAND DOLLARS AND PUNITIVE DAMAGES IN THE AMOUNT OF
FIVE HUNDRED THOUSAND DOLLARS BEING SOUGHT FROM THE DEFENDANTS
JOINTLY AND SEVERALLY, PLUS COURT COSTS.

FRINZI BEING REPRESENTED BY WELL KNOWN MILWAUKEE ATTORNEY

[REDACTED] MILWAUKEE INDICIES REFLECT [REDACTED] FORMER

PRESIDENT OF WISCONSIN STATE BAR ASSOCIATION AND CONTAIN NOTHING
UNFAVORABLE.

b6
b7C

AS BUREAU IS AWARE, INSTANT SUIT HAS REFERENCE TO TECHNICAL
COVERAGE OF FRINZI UNDER [REDACTED]

b7E

DURING [REDACTED]

[REDACTED] WHICH COVERAGE WAS DISCLOSED DURING SIXTYSIX INCOME
TAX TRIAL OF FRANK P. BALISTRIERI IN USDC, SPRINGFIELD,
~~SPRINGFIELD~~, ILLINOIS. COPIES OF ALL LOGS FROM THIS MISUR
FORWARDED TO BUREAU BY MILWAUKEE AIRTEL DATED JULY SEVEN,
SIXTYSIX, UNDER SUBJECT CAPTION.

COPY OF SUMMONS AND COMPLAINT OBTAINED FROM DAVID J. CANNON,
United States Attorney
USA, EDW, TODAY, BEING FORWARDED TO BUREAU BY SEPARATE
EASTERN DISTRICT WISCONSIN
END PAGE TWO

PAGE THREE

COMMUNICATION.

United States Attorney

USA CANNON CONFERRING WITH THE DEPARTMENT TO DETERMINE
POSITION OF HIS OFFICE RE SUIT.

BUREAU WILL BE KEPT ADVISED OF FURTHER DEVELOPMENTS.

RECEIVED 3:30 PM NSM

October 17, 1969

SPECIAL INVESTIGATIVE DIVISION

Milwaukee has received information that subject Balistrieri, La Cosa Nostra boss, and former paramour and secretary [redacted] both of Milwaukee, have filed a suit in State Circuit Court, Milwaukee, against Wisconsin telephone company including two of its employees and a suit against former Bureau Agents, John A. Holzman, Alex LeGrand, Clark E. Loverin, and Bureau supervisor [redacted] seeking damages in connection with the installation of Bureau microphones. No information available to date indicating Bureau or Government named as defendants. Balistrieri's suit seeks compensatory damages of \$250,000 and punitive damages of \$1,500,000. Alioto's suit is for compensatory damages of \$250,000 and punitive damages of \$750,000. A microphone was maintained on Balistrieri's business premises from [redacted]

b6
b7C
b7E

installations were made to obtain information as to Balistrieri's La Cosa Nostra operations and activities.

Disclosure of these microphones made during Federal income tax trial of Balistrieri October, 1966, Federal District Court, Springfield, Illinois, when logs and other material were turned over on this coverage.

Subject and [redacted] are represented by Milwaukee attorney Joseph P. Balistrieri, son of the subject. Both suits charge conspiracy in the installation of microphones which allegedly deprived defendants of lawful use of their premises.

These suits are companion ones to the suit previously filed by hoodlum-oriented attorney Dominic Henry Frinzi.

Milwaukee is following developments very closely and will keep Bureau fully and promptly advised of all developments.
JGL:lab

VIA TELETYPE

OCT 17 1969

ENCIPHERED

PARAPHASE IS DISSEMINATED

Viper

Mr. Tolson	_____
Mr. DeLoach	_____
Mr. Mohr	_____
Mr. Bishop	_____
Mr. Casper	_____
Mr. Callahan	_____
Mr. Conrad	_____
Mr. Felt	_____
Mr. Gale	_____
Mr. Rosen	_____
Mr. Sullivan	_____
Mr. Tavel	_____
Mr. Trotter	_____
Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

Cast

11:41 PM URGENT 10-16-69 WWM

TO DIRECTOR
FROM MILWAUKEE

JUNE.

O also known as Anti-Racketeering
FRANK PETER BALISTRIERI, AKA. AR. OO: MILWAUKEE.
Office of Origin

SPECIAL AGENT

ALEX LE GRAND, FORMER SA, FURNISHED COPIES OF SUMMONS RECEIVED
OCTOBER SIXTEEN LAST, IN CONNECTION WITH A ONE MILLION SEVEN HUNDRED
AND FIFTY THOUSAND DOLLAR SUIT BEING INSTITUTED
BY MILWAUKEE ATTORNEY JOSEPH P. BALISTRIERI (SUBJECT OF MI FILE
NINE TWO - SEVEN ONE SEVEN), SON OF FRANK PETER BALISTRIERI
(BUFILE NINE TWO - THREE ONE ONE SIX, MI FILE NINE FOUR - THREE
ONE SIX), ON BEHALF OF FRANK PETER BELISTRIERI, IN CIRCUIT COURT,
MILWAUKEE, AGAINST FORMER SA'S JOHN A. HOLZMAN, ALEX LE GRAND,
CLARK E. LOVREIN, BUREAU SUPERVISOR [REDACTED] AND
TELEPHONE COMPANY EMPLOYEES [REDACTED] AND THE
WISCONSIN TELEPHONE COMPANY.

Minneapolis

REC-117 92-3116-601

NOV 18 1969

SUIT CHARGES DEFENDANTS IN CONSPIRING IN THE INSTALLATION OF
MICROPHONE AT PREMISES TWO FIVE FIVE NINE - TWO FIVE SIX ONE NORTH

346-
67 NOV 19 1969

PAGE TWO

DOWNER AVENUE, MILWAUKEE, ON OR ABOUT MARCH NINE, SIXTYFOUR, AND WHICH CONSPIRACY DEPRIVED BALISTRIERI OF THE PEACEFUL AND LAWFUL USE OF HIS LEASED PREMISES, ^{Doing Business As} DBA CONTINENTAL MUSIC SALES.

SUIT REQUESTS COMPENSATORY DAMAGES IN AMOUNT OF TWO HUNDRED AND FIFTY THOUSAND AND PUNITIVE DAMAGES IN AMOUNT OF ONE MILLION FIVE HUNDRED THOUSAND DOLLARS FROM THE DEFENDANTS AND EACH OF THEM, JOINTLY AND SEVERALLY PLUS COSTS.

AS BUREAU IS AWARE, INSTANT SUIT HAS REFERENCE TO TECHNICAL COVERAGE OF BALISTRIERI UNDER [REDACTED] DURING [REDACTED]

SUMMONS ALSO RECEIVED BY LE GRAND OCTOBER SIXTEEN LAST IN CONNECTION WITH A ONE MILLION DOLLAR SUIT BEING INSTITUTED BY JOSEPH P. BALISTRIERI ON BEHALF OF [REDACTED]

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[REDACTED] IN CIRCUIT COURT, MILWAUKEE, AGAINST FORMER SA'S ^{SPECIAL AGENTS} JOHN A. HOLZMAN, CLARK E. LOVREIN, ALEX LE GRAND AND BUREAU SUPERVISOR [REDACTED] AND TELEPHONE COMPANY EMPLOYEES [REDACTED] OGDEN REALTY COMPANY AND THE WISCONSIN TELEPHONE COMPANY.

SUIT CHARGES DEFENDANTS IN CONSPIRING IN THE INSTALLATION OF MICROPHONE IN [REDACTED]

[REDACTED] MILWAUKEE, ON OR ABOUT [REDACTED]

PAGE THREE

[REDACTED] AND WHICH CONSPIRACY DEPRIVED [REDACTED] OF THE PEACEFUL AND LAWFUL USE OF THE PREMISES.

SUIT REQUESTS COMPENSATORY DAMAGES OF TWO HUNDRED AND FIFTY THOUSAND DOLLARS AND PUNITIVE DAMAGES OF SEVEN HUNDRED AND FIFTY THOUSAND DOLLARS FROM DEFENDANTS AND EACH OF THEM, JOINTLY AND SEVERALLY PLUS COSTS.

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AS BUREAU IS AWARE, INSTANT SUIT HAS REFERENCE TO TECHNICAL COVERAGE OF [REDACTED] DURING [REDACTED]
[REDACTED]

KNOWLEDGE OF EXISTENCE OF THE MICROPHONE AND EAVESDROPPING IN BOTH SUITS CAME ABOUT ON OCTOBER SEVENTEEN, SIXTYSIX, DURING TESTIMONY BY CERTAIN OF THE DEFENDANTS IN USDC, SOUTHERN DISTRICT OF ILLINOIS.

COPIES OF ALL LOGS FROM ABOVE MICROPHONE SURVEILLANCE'S FORWARDED TO BUREAU BY MILWAUKEE AIRTEL DATED JUNE SEVEN SIXTYSIX, UNDER SUBJECT CAPTION.

COPY OF SUMMONS' BEING FORWADED BY SEPARATE COMMUNICATION.

ABOVE SUITS IN ADDITION TO ONE FILED BY DOMINIC HENRY FRINZI,

MILWAUKEE TELETYPE
MI TEL OCTOBER FOURTEEN LAST.

BUREAU WILL BE KEPT ADVISED OF FURTHER DEVELOPMENTS.

RECEIVED: 1:16 AM RDR

cc J. M. ... + Reg

F B I

Date: 10/17/69

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL AIR MAIL
(Priority)

TO: DIRECTOR, FBI

FROM: SAC, MILWAUKEE (66-950)

SUBJECT: FRANK PETER BALISTRIERI, aka
AR

OO: Milwaukee

J U N E

Re Milwaukee teletype to Bureau, 10/14/69, captioned
"DOMINIC HENRY FRINZI, aka AR. OO: Milwaukee" and Milwaukee
teletype to Bureau, 10/16/69.

Enclosed for the Bureau are 2 Xerox copies of summonses
in a one million dollar damage suit being instituted by
[redacted] and a \$1,750,000.00 damage suit being instituted
by FRANK PETER BALISTRIERI, Circuit Court, Milwaukee, Wis.
against three former Bureau agents, a Bureau supervisor, 3
telephone company employees and the Wisconsin Telephone Co.
and the Ogden Realty Company. Copies of the summonses were
made available on 10/16/69, by former SA ALEXANDER P. LE GRAND.

ENCLOSURE

- (2) - Bureau (Enc. 2) (AM-RM)
4 - Milwaukee (66-950)
 (1 - 94-316-Sub 2)
 (1 - [redacted])
 (1 - 92-222-Sub 2)

WJS:duz

(6)

REC-1172 - 3116 - 602
11-18
2 OCT 20 1969

Approved: _____
Special Agent in Charge

Sent _____ M Per _____

NOV 20 1969

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STATE OF WISCONSIN : CIRCUIT COURT : "TELETYPE UNIT"

[REDACTED]
VS.

JOHN A. HOLZMAN
1994 HiView Road
Peoria, Illinois,

[REDACTED]
Milwaukee, Wisconsin,

Chad E. Lovrein
Madison, Wisconsin,

ALEX LEGRAND
2756 N. 47th Street
Milwaukee, Wisconsin,

SUMMONS

[REDACTED]
Milwaukee, Wisconsin,

[REDACTED]
Milwaukee, Wisconsin

OGDEN REALTY COMPANY
A Wisconsin Corporation
1234 N. Prospect Avenue
Milwaukee, Wisconsin,

THE WISCONSIN TELEPHONE COMPANY
A Wisconsin Corporation
722 N. Broadway
Milwaukee Wisconsin

Defendants.

THE STATE OF WISCONSIN, TO SAID DEFENDANTS:

You are hereby summoned and required to serve upon JOSEPH P. BALISTRERI whose address is 211 West Wisconsin Avenue Milwaukee, Wisconsin 53203 an answer to the complaint which is herewith served upon you within 20 days after service of this summons upon you, exclusive of the day of service, and in case of your failure so to do judgment will be rendered against you according to the demand of the complaint.

JOSEPH P. BALISTRERI
Plaintiff's Attorney
211 West Wisconsin Avenue
Milwaukee, Wisconsin 53203

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STATE OF WISCONSIN : CIRCUIT COURT : MILWAUKEE COUNTY



Plaintiff,

vs

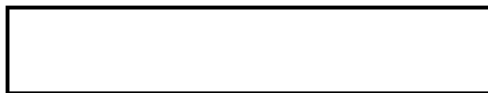
JOHN A. HOLZMAN
1994 Hiview Road
Peoria, Illinois,



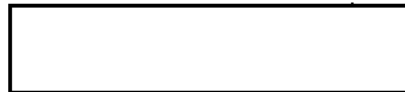
Milwaukee, Wisconsin,

CLARK E. LOVERIEN
Madison, Wisconsin,

ALEX LEGRAND
2756 North 47th Street
Milwaukee, Wisconsin



Milwaukee, Wisconsin,



Milwaukee, Wisconsin,

THE OGDEN REALTY COMPANY
a Wisconsin Corporation
1234 North Prospect Avenue
Milwaukee, Wisconsin,

and

THE WISCONSIN TELEPHONE COMPANY
a Wisconsin Corporation
722 North Broadway
Milwaukee, Wisconsin,

Defendants.

COMPLAINT

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NOW COMES the above named Plaintiff, [REDACTED]
a/k/a [REDACTED] by her attorney, JOSEPH P. BALISTRERI,
and for cause of action against the above named Defendants and each of
them, complains and alleges as follows:

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I

Plaintiff is an adult resident of the City and County of Milwaukee with
her residence at [REDACTED] in said City and County and
is by occupation, [REDACTED]

II

Defendant, JOHN A. HOLZMAN is, on information and belief, an adult
resident of the City of Peoria, State of Illinois with his residence at 1004
Hiview Road in said City and State, and is by profession an attorney-at-
law and a Magistrate in the State of Illinois.

III

Defendant, [REDACTED] is, on information and belief, an
adult resident of the City and County of Milwaukee, with his residence
at [REDACTED] in said City and County, State of Wisconsin,
who is by occupation a Special Agent of the Federal Bureau of In-
vestigation.

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IV

Defendant, ALEX LEGRAND is , on information and belief, an adult

resident of the City and County of Milwaukee with his residence at 2576 North 47th Street in said City and County and is by occupation a special assistant to the Mayor of the City of Milwaukee.

V

Defendant, CLARK E. LOVERIEN is, on information and belief, an adult resident of the City of Madison, County of Dane and is by occupation an employee of the State Crime Laboratory of the State of Wisconsin.

VI

Defendant, [REDACTED] is, on information and belief, an adult resident of the City and County of Milwaukee, Wisconsin with his residence at [REDACTED] in said City and County and was at all times hereinafter alleged, mentioned and described, an employee, agent and servant of the Defendant, WISCONSIN TELEPHONE COMPANY, acting within the scope of his employment and its due authority, and whose present occupation is [REDACTED] Wisconsin Telephone Company.

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VII

Defendant, [REDACTED] is, on information and belief, an adult resident of the City and County of Milwaukee, Wisconsin with his residence at [REDACTED] in said City and County, and was at all times hereinafter alleged, mentioned and described, an employee, agent and servant of the Defendant, WISCONSIN TELEPHONE COMPANY, acting within the scope of his employment and its due authority and whose

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present occupation is that of [REDACTED]

Wisconsin Tele-

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phone Company.

VIII

Defendant, OGDEN REALTY COMPANY, is, on information and belief, a Wisconsin Corporation licenced to do business in the State of Wisconsin with its principal place of business at 1234 North Prospect Avenue in the City and County of Milwaukee, Wisconsin and is engaged in the business of real estate rentals, investments, and management.

IX

Defendant, WISCONSIN TELEPHONE COMPANY is, on information and belief, a Wisconsin Corporation licenced to do business in the State of Wisconsin and at all times was subject to the laws and regulations of the State of Wisconsin and the Laws and regulations of the United States governing and regulating Telephone Companies, and is engaged in the telephonic communications activity with its principal office at 722 North Broadway, Milwaukee, Wisconsin.

X

The premises at 1609 North Prospect Avenue in the City and County of Milwaukee, State of Wisconsin is, and at all times hereinafter alleged, mentioned and described, was one of those premises being leased for apartment rentals by the Defendant, OGDEN REALTY COMPANY and under its management, supervision and control; and that at all times hereinafter alleged, mentioned and described, the Plaintiff [REDACTED]

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a/k/a [redacted] did occupy, under the terms of a lease entered into with the knowledge and consent of the Defendant, OGDEN REALTY COMPANY, an apartment on that premises, to-wit: [redacted] and as such tenant, she was entitled to the sole, exclusive, peaceful and quiet possession of said premises according to the terms and conditions of her lease.

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*XI

On information and belief, on or about October 3, 1961, the Defendants, JOHN A. HOLZMAN, [redacted] CLARK E. LOVERIEN, and ALEX LEGRAND, did unlawfully combine and conspire with the Defendants, [redacted] individually and as agents, servants, and employees of the Defendant, WISCONSIN TELEPHONE COMPANY acting within the scope of their employment and with in its due authority, and with the Defendant, WISCONSIN TELEPHONE COMPANY and secured certain telephone lines which were the sole and exclusive possession of the Wisconsin Telephone Company and under its sole and exclusive control, which emanated from the apartment building at [redacted] in the City and County of Milwaukee, Wisconsin; that the purpose for obtaining said telephone lines from the Defendants [redacted] and the WISCONSIN TELEPHONE COMPANY was to conduct an unlawful, surreptitious, and clandestine electronic surveillance of the premises of [redacted] [redacted] which apartment at said time was leased and occupied by the Plaintiff, by intercepting, eavesdropping, and inten-

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tionally and maliciously overhearing conversations of the Plaintiff with others physically on said premises and with others on the telephone; all without the knowledge or consent of Plaintiff; that such lines were in fact furnished to the Defendants, HOLZMAN, [REDACTED] LOVERIEN and LEGRAND by the Defendants [REDACTED] and THE WISCONSIN TELEPHONE COMPANY and were furnished without charge therefor; that such combination and conspiracy of the Defendants, and each of them as hereinabove alleged was for the purpose of interfering with the peaceful, lawful and quiet possession of said premises by Plaintiff and did in fact so interfere; that the combination and conspiracy of the Defendants and each of them as hereinabove alleged was unlawful and the purpose of said combination and conspiracy was unlawful; that at no time hereinabove alleged were the Defendants, HOLZMAN, [REDACTED] LOVERIEN and LEGRAND servants, agents or employees of the Defendant, WISCONSIN TELEPHONE COMPANY.

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XII

On information and belief, on or about [REDACTED] the Defendants, JOHN A. HOLZMAN, [REDACTED] CLARK E. LOVERIEN and ALEX LEGRAND did unlawfully combine and conspire with the Defendant, OGDEN REALTY COMPANY to occupy an apartment on the premises of [REDACTED] in the City and County of Milwaukee; that said Defendants did in fact so occupy [REDACTED] at said premises under [REDACTED] and that said apartment, in furtherance of said unlawful combination and conspiracy was furnished to said Defendants by the Defendant, OGDEN

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REALTY COMPANY without charge; that the Defendants, HOLZMAN,

[REDACTED] LOVERIEN and LEGRAND did drill in the door [REDACTED]

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[REDACTED] at said address a peephole to observe the comings and goings of the Plaintiff without her knowledge or consent and did so with the knowledge and consent of the Defendant, OGDEN REALTY COMPANY and in furtherance of said combination and conspiracy; that the combination and conspiracy of the Defendants as hereinabove alleged did interfere with the peaceful, quiet, and lawful possession of said premises leased by Plaintiff; that the combination and conspiracy of the Defendants as hereinabove alleged was unlawful and the purpose of said combination and conspiracy was unlawful.

XIII

That on information and belief, the Defendant, JOHN A. HOLZMAN,

[REDACTED] CLARK E. LOVERIEN and ALEX LEGRAND

did install on the premises of the [REDACTED]

[REDACTED] in the City and County of Milwaukee without the knowledge and consent of the Plaintiff who was at that time lawfully in possession, a microphone in good working order and that said installation of the microphone was perpetrated through a trespass committed on the premises of the Plaintiff without her knowledge and consent by the Defendants,

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HOLZMAN, [REDACTED] LOVERIEN and LEGRAND; that said microphone

was placed on the premises in such a manner so that it would be undetected from plain view; that said microphone was [REDACTED]

[REDACTED]

[REDACTED]
Milwaukee, Wisconsin; that said microphone was in good working order on the date of said installation and that said microphone did, in fact, surreptitiously, clandestinely and unlawfully pick-up, overhear and transmit any and all conversations occurring on the premises [REDACTED]

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[REDACTED] Milwaukee, Wisconsin without the knowledge and consent of the Plaintiff; that said installation of the microphone was illegal and contrary to law and the purposes for which it was installed were illegal and contrary to law.

XIV

That the Defendants, JOHN A. HOLZMAN, [REDACTED] CLARK E. LOVERIEN and ALEX LEGRAND did combine and conspire to and did in fact intercept, monitor, eavesdrop and intentionally overhear the conversations occurring on the premises of [REDACTED]

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[REDACTED] coming through the microphone surreptitiously placed therein as hereinabove alleged from the [REDACTED]

[REDACTED] furnished to the Defendants HOLZMAN, [REDACTED] LOVERIEN and LEGRAND by the Defendant, OGDEN REALTY COMPANY without charge through a radio receiver installed by the Defendants for such purpose in combination and conspiracy with one another, and that such monitoring was surreptitious, malicious, clandestine and unlawful and done without the knowledge and consent of the Plaintiff and did interfere with the peaceful, quiet and lawful possession of said premises by the Plaintiff.

XV

That all the actions of each and every Defendant as herein alleged were in furtherance of an unlawful conspiracy to deprive the Plaintiff herein of the peaceful and lawful use of her leased premises and to use and occupy them without the interference as hereinabove alleged.

XVI

That by reason of the actions and the unlawful combination and conspiracy of the Defendants and each of them, the Plaintiff was in fact deprived of the peaceful and lawful use of the premises, [REDACTED]

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[REDACTED] Milwaukee, Wisconsin and that she suffered damages by reason of such loss of the peaceful and lawful use of the leased premises and was held up to humiliation and shame and that she suffered damages by reason of said actions in the amount of \$350,000.

XVII

That said unlawful and clandestine eavesdropping and monitoring of Plaintiff's conversations, all as more fully alleged hereinabove, was in no part known to or consented to by Plaintiff; that Plaintiff's first knowledge of the existence of said microphone and such unlawful eavesdropping came to her on or about October 17, 1966 from sworn testimony of certain of the above named Defendants in proceedings then and there being conducted in the Federal District Court for the Southern District in Illinois.

WHEREFORE, Plaintiff prays for compensatory damages in the amount of \$250,000 and punitive damages in the amount of \$750,000

from the Defendants and each of them, jointly and severally plus costs and disbursements of this action.

JOSEPH P. BALISFRIERI
Attorney at Law
Suite 403 Midland Bank Bldg.
211 West Wisconsin Avenue
Milwaukee, Wisconsin

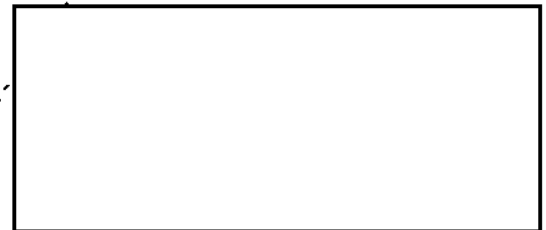
273-1512

STATE OF WISCONSIN)
)
MILWAUKEE COUNTY)

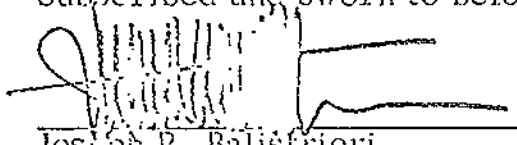
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being first
duly sworn on oath deposes and says that she is the Plaintiff in the a-
bove entitled action, that she has read the foregoing Complaint and
knows the contents thereof, and that the same is true, except as to
those matters therein stated upon information and belief which she verily
believes to be true.

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Subscribed and sworn to before me this 14th day of October, 1969.



Joseph P. Balistreri
Notary Public
Milwaukee County
State of Wisconsin

My Commission is Permanent

STATE OF WISCONSIN : CIRCUIT COURT : MILWAUKEE COUNTY

FRANK PETER BALISTRERI,
Plaintiff,
vs.

JOHN A. HOLZMAN
1994 HiView Road
Peoria, Illinois,

[REDACTED]
Milwaukee, Wisconsin,

CLARK E. LOVREIM
Madison, Wisconsin,

SUMMONS

ALEX LEGRAND
2576 North 47th Street
Milwaukee, Wisconsin,

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[REDACTED]
Milwaukee, Wisconsin,

[REDACTED]
Milwaukee, Wisconsin,
and

THE WISCONSIN TELEPHONE COMPANY,
a Wisconsin Corporation
722 N. Broadway
Milwaukee, Wisconsin

Defendants.

THE STATE OF WISCONSIN, TO SAID DEFENDANT:

You are hereby summoned and required to serve upon JOSEPH P. BALISTRERI, plaintiff's attorney, whose address is 211 West Wisconsin Avenue Milwaukee, Wisconsin 53202, an answer to the complaint which is herewith served upon you within 20 days after service of this summons upon you, exclusive of the day of service and in case of your failure so to do judgment will be rendered against you according to the demand of the compl.

JOSEPH P. BALISTRERI-

Plaintiff's Attorney
211 West Wisconsin Avenue
Milwaukee, Wisconsin 53202

STATE OF WISCONSIN : CIRCUIT COURT : MILWAUKEE COUNTY

FRANK PETER BALISTRERI
3043 North Shepard Avenue
Milwaukee, Wisconsin,

Plaintiff,

vs

JOHN A. HOLZMAN
1994 Hiview Road
Peoria, Illinois,

[REDACTED]

Milwaukee, Wisconsin,

CLARK E. LOVERIEN
Madison, Wisconsin,

ALEX LEGRAND
2576 North 47th Street
Milwaukee, Wisconsin,

[REDACTED]

Milwaukee, Wisconsin

[REDACTED]

Milwaukee, Wisconsin,

and

THE WISCONSIN TELEPHONE COMPANY
a Wisconsin Corporation
722 North Broadway
Milwaukee, Wisconsin,

Defendants,

COMPLAINT

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NOW COMES the above named Plaintiff, FRANK
PETER BALISTRERI, by his attorney, JOSEPH P. BALISTRERI, and

for cause of action against the above named defendants and each of them, complains and alleges as follows:

I

Plaintiff is an adult resident of the City and County of Milwaukee with his residence at 3043 North Shepard Avenue in said City and County, State of Wisconsin.

II

Defendant, JOHN A. HOLZMAN is, on information and belief, an adult resident of the City of Peoria, State of Illinois with his residence at 1004 Hiview Road in said City and State, and is by profession an attorney-at-law and a Magistrate in the State of Illinois.

III

Defendant, [REDACTED] is, on information and belief, an adult resident of the City and County of Milwaukee, with his residence at [REDACTED] in said City and County, State of Wisconsin, who is by occupation a Special Agent for the Federal Bureau of Investigation.

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IV

Defendant, ALEX LEGRAND is, on information and belief, an adult resident of the City and County of Milwaukee with his residence at 2576 North 47th Street in said City and County and is by occupation a special assistant to the Mayor of the City of Milwaukee.

V

Defendant, CLARK E. LOVERIEN is, on information and belief, an adult resident of the City of Madison, County of Dane and is by occupation an employee of the State Crime Laboratory of the State of Wisconsin.

VI

Defendant, [REDACTED] is, on information and belief, an adult resident of the City and County of Milwaukee, whose place of residence is [REDACTED] in Said City and County of Milwaukee. Wisconsin and was at all times hereinafter mentioned and described, an employee, agent and servant of the Defendant, WISCONSIN TELEPHONE COMPANY acting within the scope of his employment and its due authority whose present occupation is [REDACTED]

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VII

Defendant, [REDACTED] is, on information and belief, an adult resident of the City and County of Milwaukee, Wisconsin with his place of residence at [REDACTED] in said City and County, and was at all times hereinafter alleged, mentioned and described, an employee-agent and servant of the Defendant, WISCONSIN TELEPHONE COMPANY, acting within the scope of his employment and its due authority and whose present occupation is that of [REDACTED]

VIII

Defendant, WISCONSIN TELEPHONE COMPANY is, on information and belief, a Wisconsin Corporation licensed to do business in the State of Wisconsin and at all times was subject to the laws and regulations of the State of Wisconsin and the laws and regulations of the United States governing and regulating telephone companies, and is engaged in the telephonic communications activity with its principal office at 722 North Broadway, Milwaukee, Wisconsin.

IX

On or about [REDACTED] on information and belief, a microphone was installed on the premises 2559-2561 North Downer Avenue in the City and County of Milwaukee, State of Wisconsin; said premises were then and there leased and occupied exclusively by the Plaintiff and by no other as a sales office doing business as Continental Music Sales, and that said installation was then and there perpetrated by the Defendants. HOLZMAN, [REDACTED] LOVERIEN and LEGRAND, acting together and in combination with one another and was accomplished and completed on said premises 2559-2561 North Downer Avenue without any knowledge or consent of the Plaintiff who was then and there lawfully in charge and entitled to the exclusive quiet and peaceful possession of said premises; and said installation was effected maliciously, surreptitiously and clandestinely without Plaintiff's knowledge or consent by breaking into said premises and removing a panel on an office wall of said premises and carving a niche in said wall thereupon installing the microphone in good working

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condition in said wall niche and replacing said wall panel so that the presence of the microphone would be undetected; that said installation was then and there perpetrated by the Defendants conspiring and combining together with each other to intercept, overhear, eavesdrop and monitor conversations engaged in by the Plaintiff both on the telephone with others and conversations with others physically present in said premises without the knowledge or consent of the Plaintiff and otherwise to interfere with the peaceful and lawful use of said premises by Plaintiff; and that such means of the installation of said microphone was illegal and contrary to law and the purpose for which said microphone was installed was illegal and contrary to law.

X

That the Defendants, HOLZMAN, [REDACTED] LOVERIEN and LEGRAND after installing said microphone on said premises did run wires from said microphone so installed in said premises leased by the Plaintiff, to a terminal box in the hall of said building 2559-2561 North Downer Avenue in the City and County of Milwaukee, Wisconsin, which terminal box is the sole and exclusive property of the Defendant, WISCONSIN TELEPHONE COMPANY, and in its sole and exclusive possession and control.

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XI

That on information and belief, at or about the time of accomplishing said installation of said microphone, the Defendants, HOLZMAN, [REDACTED] LOVERIEN and LEGRAND, in furtherance of the conspiracy alleged, did

conspire and combine with the Defendants, [REDACTED]

[REDACTED] as authorized agents acting in the scope of their due authority and employment with the Defendant, WISCONSIN TELEPHONE COMPANY and with the Defendant, WISCONSIN TELEPHONE COMPANY to use the facilities of the Defendant, WISCONSIN TELEPHONE COMPANY, to-wit: the terminal box on the premises of 2559-2561 North Downer Avenue in the City and County of Milwaukee, Wisconsin and its telephone lines and other facilities without charge, and that the Defendant, WISCONSIN TELEPHONE COMPANY did willfully join in such conspiracy and combination and did give without charge to the above named Defendants, HOLZMAN, [REDACTED] LOVERIEN, and LEGRAND, none of whom was then an agent, servant or employee of the Defendant, WISCONSIN TELEPHONE COMPANY, the use of said terminal box and certain telephone lines which run from the premises of 2559-2561 North Downer Avenue in the City and County of Milwaukee, Wisconsin through the exchange facilities of the Defendant, WISCONSIN TELEPHONE COMPANY, to an office in the Federal Building located at 511 East Wisconsin Avenue in the City and County of Milwaukee, Wisconsin; and that such lines were in working order and that as a result of such conspiracy and combination of the above named Defendants, the conversations at the Plaintiff's leased premises located in the building 2559-2561 North Downer Avenue, City and County of Milwaukee were willfully eavesdropped and intercepted, overheard and monitored by the Defendants, HOLZMAN, [REDACTED] LOVERIEN and LEGRAND in such office of the Federal Building maliciously, surreptitiously clandestinely and unlawfully, without the consent of the Plaintiff, that said

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conversations coming initially into the microphone so unlawfully installed by the Defendants, HOLZMAN, [REDACTED] LOVERIEN and LEGRAND and unlawfully carried through the facilities of the Defendant, WISCONSIN TELEPHONE COMPANY by its consent and with the combination and conspiracy of the Defendants, [REDACTED] its employees acting within the scope of their employment and in furtherance of said combination and conspiracy and to insure the fulfillment of its unlawful purposes, the Defendant, WISCONSIN TELEPHONE COMPANY from time to time made various examinations and inspections on said telephone lines and did insure and maintain them in good working order during the time of said willful illegal eavesdropping, overhearing and monitoring of aforesaid.

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XII

That all the actions of each and every Defendant herein were in furtherance of an unlawful combination and conspiracy to deprive the Plaintiff of the peaceful and lawful use of his leased premises and to carry on his business without the interference as hereinbefore alleged.

XIII

That by reason of said actions, unlawful combination and conspiracy of the Defendants and each of them, the Plaintiff was in fact deprived of the peaceful and lawful use of his leased premises and that he suffered damages by reason of the loss of the peaceful and lawful use of his leased premises and that he suffered damages by reason of said actions of said Defendants in the amount of \$250,000.

XIV

That said unlawful and clandestine eavesdropping and monitoring of Plaintiff's conversations, all as more fully alleged hereinabove, was in no part known to or consented to by Plaintiff; that Plaintiff's first knowledge of the existence of said microphone and such unlawful eavesdropping came to him on or about October 17, 1966 from sworn testimony of certain of the above named Defendants in proceedings then and there being conducted in the Federal Court for the Southern District in Illinois.

WHEREFORE, Plaintiff prays for compensatory damages in the amount of \$250,000 and punitive damages in the amount of \$1,500,000 from the Defendants and each of them, jointly and severally plus the costs and disbursements of this action.

JOSEPH P. BALISTRERI
Attorney for Plaintiff

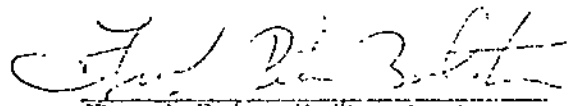
Suite 403 Midland Bank Building
211 West Wisconsin Avenue
Milwaukee, Wisconsin

273-1512

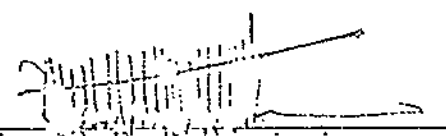
STATE OF WISCONSIN)
MILWAUKEE COUNTY)

ss

FRANK PETER BALISTRERI, being first duly sworn on oath deposes and says that he is the Plaintiff in the above entitled action, that he has read the foregoing Complaint, and that the same is true to his own knowledge and belief, except as to those matters stated on information and belief, which matters he verily believes to be true.


Frank Peter Balistreri

Subscribed and sworn to before me this 14th day of October 1969.


Joseph P. Balistreri
Notary Public
Milwaukee County
State of Wisconsin

My Commission is Permanent

VIA TELETYPE
OCT 12 1969
ENCIPHERED

4:58PM URGENT 10-18-69 ATS PARAPHRASE IF DISSEMINATED

TO DIRECTOR
FROM MILWAUKEE

JUNE.

Mr. Tolson	
Mr. DeLoach	
Mr. Mohr	
Mr. Bishop	
Mr. Casper	
Mr. Callahan	
Mr. Conrad	
Mr. Felt	
Mr. Gale	
Mr. Rosen	
Mr. Sullivan	
Mr. Tavel	
Mr. Trotter	
Tele. Room	
Miss Holmes	
Miss Gandy	

FRANK PETER BALISTRIERI, AKA; ANTI RACKETEERING AR, OO: MILWAUKEE.

REMYTELS OCT. FOURTEEN AND SIXTEEN, LAST.

[REDACTED] LEGAL COUNSEL WISCONSIN TELEPHONE COMPANY, MILWAUKEE, ADVISED COMPANY EMPLOYEES [REDACTED]

[REDACTED] AND THE TELEPHONE COMPANY WERE SERVED WITH SUMMONSES AND COMPLAINTS IN FRINZI [REDACTED] AND BALISTRIERI ELECTRONIC SURVEILLANCE DAMAGE SUITS ON OCT. FIFTEEN - SIXTEEN, LAST. EMPLOYEE [REDACTED]

[REDACTED] WAS NOT SERVED, AS HE IS PRESENTLY VACATIONING IN SPAIN AND IS NOT SCHEDULED TO RETURN UNTIL NOVEMBER THREE, NEXT.

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INFORMATION RECEIVED FORMER AGENT JOHN A. HOLTZMAN HAS RETAINED MILWAUKEE ATTORNEY [REDACTED] FORMER AGENT ALEXANDER P. LE GRAND HAS RETAINED MILWAUKEE ATTORNEY [REDACTED]

DAVID Y. CANNON, USA, U.S. ATTORNEY, EASTERN DIST. OF WISCONSIN EDW, MILWAUKEE, ADVISED HE HAS BEEN IN TELEPHONIC CONTACT WITH WILLIAM RUCKELHOUSE, ASSISTANT ATTORNEY GENERAL, CIVIL DIVISION, BUT HAS RECEIVED NO INFORMATION AS TO HOW DEPARTMENT INTENDS TO PROCEED RE THESE SUITS.

END PAGE ONE

92-3116-603
9 NOV 1969

Handwritten notes:
344
10-21-69
FAS
Cant DW
10/21/69

PAGE TWO

CANNON EXPLAINED ALL THREE SUITS REQUIRE DEFENDANTS TO RESPOND TO COMPLAINTS WITHIN TWENTY DAYS AFTER SERVICE OF PAPERS. UNDER WISCONSIN STATUTES FILING OF COMPLAINTS AND SUMMONSES WITH STATE CIRCUIT COURT CLERK'S OFFICE NOT NECESSARY UNTIL AFTER SERVICE COMPLETE. FAILURE OF DEFENDANTS TO RESPOND TO COMPLAINT WITHIN TWENTY DAY PERIOD AFTER SERVICE MADE COULD RESULT IN DEFAULT JUDGMENT BEING ENTERED AGAINST THEM.

BUREAU IS REQUESTED TO CONTACT DEPARTMENT TO INSURE THEY ARE AWARE DATE PAPERS FILED WITH CIRCUIT COURT IS OF NO SIGNIFICANCE AS DATE OF SERVICE OF PAPERS IS DETERMINING FACTOR AS TO WHEN DEFENDANTS' ANSWERS ARE REQUIRED TO BE SUBMITTED.

BUREAU IS FURTHER REQUESTED TO ADVISE OF DEPARTMENT'S INTENTIONS WITH REGARD THESE SUITS.

RECEIVED: 6:32PM REMA

October 20, 1969
SPECIAL INVESTIGATIVE DIVISION

Attached teletype indicates that two former Agents named as defendants in damage suits filed by Domonic Frinzi, [redacted] and La Cosa Nostra boss Frank Peter Balistrieri have retained attorneys to represent them. Bureau supervisor SA [redacted] also named as defendant as were Wisconsin telephone company and several of its personnel.

U. S. Attorney Cannon, Milwaukee, has contacted Department for information as to how it will proceed in these suits which require defendants to respond to complaint within 20 days after service of papers, otherwise default judgments can be entered.

In view of statutory deadline, Department being contacted immediately to insure it is aware of 20-day requirement for response by defendants and to determine what course of action it will take. Contact with the Department will be promptly confirmed in writing.

JGL:lab

De as [unclear] [unclear]

b6
b7C

92 - 3116 - 603

ENCLOSURE



91-11 604

ENCLOSURE

STATE OF WISCONSIN

CIRCUIT COURT

MILWAUKEE COUNTY



VS.

JOHN A. HOLZMAN,

et al.

DUE SERVICE OF A COPY OF THE WITHIN

ADMITTED THIS

DAY OF 19

ATTORNEY FOR

JOSEPH P. BALISTRIERI

ATTORNEY AT LAW

211 WEST WISCONSIN AVENUE
MILWAUKEE, WISCONSIN, 53203

TELEPHONE 273-1012

b6
b7C

CIRCUIT COURT OF ILLINOIS

TENTH JUDICIAL CIRCUIT
MAGISTRATE DIVISION
PEORIA, COUNTY

MAGISTRATES

J. LEWIS BOND
ROBERT A. CONEY
JOHN A. HOLTZMAN
DAVID C. MCCARTHY
O. D. VESPA
ESPEY C. WILLIAMSON

October 20, 1969

COURT HOUSE BUILDING
PEORIA, ILLINOIS 61602
TELEPHONE 676-4611

CST

J. Edgar Hoover, Director
Federal Bureau of Investigation
Washington, D.C.

Dear Mr. Hoover:

up

With further reference to my letter of October 15, 1969, enclosing copy of the Complaint and Summons entitled Dominic H. Frinzi, plaintiff, v. John A. Holtzman, et al., defendants, I now enclose copies of two additional Complaints served on me this date by the Sheriff of Peoria County and captioned Frank Peter Balistrieri, plaintiff, v. John A. Holtzman, et al., defendants, and Jennie Alioto, plaintiff, v. John A. Holtzman, et al., defendants.

Kindly consider these two additional Complaints in the same light as the one previously furnished by my letter of October 15.

Sincerely,

John A. Holtzman

John A. Holtzman

JAH:pg
Encls.

HOLTZMAN'S PREVIOUS LETTERS
10-15-69 ACKNOWLEDGED AND
DIRECTOR OF ADDITIONAL SUITS.

COPIES OF COMPLAINT + SUMMONS

1A1 [] + BALISTRIERAT SUITS

FURNISHED TO DEPT. BY LETTER 10-21-69

HOLTZMAN CONTACTED BY SI OFFICE 10-24-69

2 ENCLOSURE
67 NOV 19 1969

11-18
35 OCT 22 1969
EXP. PROC.

92-3116-604

14 OCT 22 1969

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PERS. B.

FILED P. RECORD UNIT

October 20, 1969

Mr. John A. Holtzman
Circuit Court of Illinois
Tenth Judicial Circuit
Magistrates Division
County Court House - 4th Floor
Peoria, Illinois, 61602

1 - Mr. DeLoach
1 - Mr. Bishop
1 - Mr. Callahan
1 - Mr. Gale
1 - Mr. Staffeld
1 - Mr. Leggett

Dear Mr. Holtzman:

I have your letter of October 15, 1969,
concerning the filing of a suit for damages naming you
and other former Agents.

We are taking this matter up with the Department
today in order to request legal assistance and to determine
what course of action is contemplated in this proceeding.
I want to assure you that the Bureau will do everything
possible to assist you and other former Bureau personnel and
that you will be advised of any information we receive of
interest to you in this regard.

Your interest in writing to me is very much
appreciated.

Sincerely yours,

J. Edgar Hoover

MAILED 22

OCT 20 1969

COMM-FBI

NOTE: Mr. Holtzman is a former Special Agent who EOD 8/1/39
and retired 7/30/65 with satisfactory services.

(See cover memo Gale to DeLoach 10/20/69 JGL:jfp)
re: Frank Peter Balistrieri

JGL:pj:33p:rad
(8)

MAIL ROOM ☐ TELETYPE UNIT ☐

Tolson _____
DeLoach _____
Walters _____
Mohr _____
Bishop _____
Casper _____
Callahan _____
Conrad _____
Felt _____
Gale _____
Rosen _____
Sullivan _____
Tavel _____
Trotter _____
Tele. Room _____
Holmes _____
Gandy _____

NOV 19 1969

REC-117
NOV 19 1969

Memorandum to Mr. DeLoach
Re: FRANK PETER BALISTRERI

ACTION:

1. There is attached a letter for transmittal to Assistant Attorney General, Civil Division, confirming our conversation with [] and forwarding copies of the complaint received by ex-Agent Holtzman, as well as a copy of Holtzman's letter transmitting these complaints to the Bureau.

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2. We will make known to former Agents Holtzman, Le Grand and Lovrien that if they desire the Government to handle their interests in this matter, they may desire to submit an appropriate letter to the Bureau in this regard.

3. SA [] presently assigned as New Agents' Counselor, is submitting necessary memorandum requesting legal assistance by the Department.

OK.
[Signature]
[Signature]
[Signature]
[Signature]
[Signature]

CIRCUIT COURT OF ILLINOIS

TENTH JUDICIAL CIRCUIT
MAGISTRATE DIVISION
PEORIA, COUNTY

MAGISTRATES

J. LEWIS BOND
ROBERT A CONEY
JOHN A. HOLTZMAN
DAVID C. MCCARTHY
O. D. VESPA
ESPEY C. WILLIAMSON

October 15, 1969

COURT HOUSE BUILDING
PEORIA, ILLINOIS 61602
TELEPHONE 676-4611
Tele. Room
Miss Holmes
Miss Gandy

Mr. Tolson
Mr. DeLoach
Mr. Mohr
Mr. Bishop
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

J. Edgar Hoover, Director
Federal Bureau of Investigation
Washington, D.C.

Frank Balistrini

Dear Mr. Hoover:

I enclose herewith for your information
copy of Complaint and Summons served on me personally
October 10, 1969.

You will note that failure to answer within
twenty days after October 10 could in my case result
in a default judgment, and I have asked an attorney
in Milwaukee, [redacted] Grootemaat, Cook &
Franke, 660 E. Mason Street, to represent me at the
outset to avoid this possibility.

I did, however, want to make you aware of
the filing of the suit as promptly as possible so
that you could make a determination as to whether or
not the Bureau will assist me and the other former
agents in this proceeding.

With kind personal regards.

Sincerely,

John A. Holtzman

John A. Holtzman
FORMER SPECIAL AGENT

CIRCUIT COURT OF ILLINOIS
TENTH JUDICIAL CIRCUIT
MAGISTRATES DIVISION
County Court House-4th Floor
PEORIA, ILLINOIS 61602

ENCLOSURE

67 NOV 19 1969

PERS. REC. UNIT

REC-117 92-3116-606

11-19
8 OCT 17 1969

11/18 N.
EXP. PROC.
30 OCT 17 1969

MAILED IN
PERSONNEL RECORDS UNIT

Memo to
Sh. L. L. L.
Let to Sh. L. L. L.
10-20-69
JAH:pg

STATE OF WISCONSIN : CIRCUIT COURT : MILWAUKEE COUNTY

DOMINIC H. FRINZI,

Plaintiff,

vs.

JOHN A. HOLZMAN,

CLARK E. LOVERIEN,

ALEX LE GRAND,

and

THE WISCONSIN TELEPHONE COMPANY,
a Wisconsin corporation,

Defendants.

THE STATE OF WISCONSIN TO THE SAID DEFENDANTS:

YOU ARE HEREBY required to serve upon [redacted]
plaintiff's attorney, whose address is [redacted]
Milwaukee, Wisconsin, an answer to the complaint which is here-
with served upon you within twenty (20) days after service of
this summons upon you, exclusive of the day of service, and in
case of your failure so to do, judgment will be rendered against
you according to the demand in the complaint.

[redacted]
Attorney for Plaintiff

P. O. ADDRESS:

[redacted]
Milwaukee, Wisconsin [redacted]

92-3116-606
ENCLOSURE

STATE OF WISCONSIN : CIRCUIT COURT : MILWAUKEE COUNTY

DOMINIC H. FRINZI,

Plaintiff,

vs.

JOHN A. HOLZMAN,

CLARK E. LOVERIEN,

ALEX LE GRAND,

[REDACTED]

and

THE WISCONSIN TELEPHONE COMPANY,
a Wisconsin corporation,

COMPLAINT

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Defendants.

NOW COMES the above named plaintiff, DOMINIC H. FRINZI,
by his attorney, [REDACTED] and for a cause of action against
the above named defendants and each of them complains and alleges
as follows:

1. That the plaintiff is an adult resident of the City
and County of Milwaukee with his residence at 2466 North Oakland
Avenue, a licensed attorney admitted to the Bar of Wisconsin and
the Supreme Court of the United States and further is a member in
good standing and practices his profession in Milwaukee, Wisconsin,
with his office located at 161 West Wisconsin Avenue in said city.

2. That the defendant, JOHN A. HOLZMAN, on information
and belief, is an adult resident of the City of Peoria, State of
Illinois, and is, on information and belief, an attorney at law

and a magistrate in the City of Peoria, Illinois, and resides at 1994 Hi View Road, in said city, and is a former FBI agent stationed in Milwaukee, Wisconsin.

3. That the defendant, [REDACTED] is, on information and belief, an adult resident of the City and County of Milwaukee, with his residence at [REDACTED] in the City and County of Milwaukee, State of Wisconsin, and is a former FBI agent stationed in Milwaukee, Wisconsin.

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4. That the defendant, ALEX P. LE GRAND, is, on information and belief, an adult resident of the City and County of Milwaukee, State of Wisconsin, whose address is 2756 North 47 Street, and is a former FBI agent stationed in Milwaukee, Wisconsin, and whose present occupation is that of a staff assistant to the Mayor of the City of Milwaukee.

5. That the defendant, CLARK E. LOVERIEN, is, on information and belief, an adult whose residence is unknown, and who is employed by the Crime Laboratory of the State of Wisconsin.

6. That the defendant, [REDACTED] is, on information and belief, an adult resident of the City and County of Milwaukee, State of Wisconsin, whose place of residence is [REDACTED] in the City and County of Milwaukee, whose occupation is at present that of [REDACTED] and whose former occupation was [REDACTED] and was at all times hereinafter mentioned and...

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described, an employee, agent, and servant of the defendant, WISCONSIN TELEPHONE COMPANY, acting in the scope of his employment and its due authority.

7. That the defendant, [REDACTED] is, on information and belief, an adult resident of the City and County of Milwaukee, State of Wisconsin, whose place of residence is [REDACTED]

[REDACTED] and whose occupation is [REDACTED]

[REDACTED] and was at all times hereinafter mentioned and described, an employee, agent, and servant of the defendant, WISCONSIN TELEPHONE COMPANY, acting in the scope of his employment and its due authority.

8. That the defendant, [REDACTED] is, on information and belief, an adult resident of the City and County of Milwaukee, State of Wisconsin, whose place of residence is [REDACTED]

[REDACTED] whose present occupation is [REDACTED]

and whose former occupation was [REDACTED]

[REDACTED] and was at all times hereinafter mentioned and described an employee, agent, and servant of the defendant, WISCONSIN TELEPHONE COMPANY, acting in the scope of his employment and its due authority.

9. That the defendant, WISCONSIN TELEPHONE COMPANY, is, on information and belief, a Wisconsin corporation licensed to do business in the State of Wisconsin and is engaged in communications activity with its principal office at 722 North

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Broadway, Milwaukee, Wisconsin, and that at all times herein-mentioned the defendant, WISCONSIN TELEPHONE COMPANY, was subject to the laws of the State of Wisconsin and the laws of the United States concerning the regulation of telephone corporations.

10. That on information and belief, on or about [redacted] [redacted] a microphone was unlawfully and illegally installed on the premises of 161 West Wisconsin Avenue, Seventh Floor, Rooms 7144, 7148 and 7150, in the City and County of Milwaukee, State of Wisconsin, said premises being then and there leased and occupied by the plaintiff along with [redacted] [redacted] Attorney Edward F. Neubecker, as a law office, and that said installation was then and there perpetrated by the defendants, HOLZMAN, [redacted] LOVERIEN and LE GRAND, acting together and in combination with one another and was accomplished and completed on said premises, 161 West Wisconsin Avenue, Seventh Floor, Rooms 7144, 7148 and 7150, without any knowledge or consent of the plaintiff or [redacted] Edward F. Neubecker or any other person lawfully in possession who was then and there entitled to the quiet and peaceful occupation of said premises; and said unlawful and illegal installation was effected maliciously, surreptitiously and clandestinely without plaintiff's knowledge and consent by breaking into said premises and removing the ceiling panel from

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the ceiling of the office occupied by the plaintiff, and further by breaking a hole through the ceiling plaster, and upon installing the microphone in good working condition and that after said installation was effected, said ceiling panel was replaced so that the presence of the microphone would not be able to be detected; that said installation was then and there perpetrated by the defendants conspiring and combining together with each other to intercept, overhear, eavesdrop and monitor conversations engaged in by the plaintiff both on the telephone with others and conversations with others physically present in said premises without the knowledge or consent of the plaintiff or [REDACTED] [REDACTED] Edward F. Neubecker or any other person lawfully in possession, and otherwise to interfere with peaceful and lawful use of said premises by plaintiff and that such means of the installation of such microphone was unlawful and illegal and contrary to law and the purpose for which such microphone was installed was illegal and contrary to law.

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11. That the defendants, HOLZMAN, [REDACTED] LOVERIEN and LE GRAND, after installing said microphone on said premises, did run wires from said microphone so installed in said premises leased by the plaintiff to a terminal box in the hall of said building, 161 West Wisconsin Avenue in the City and County of Milwaukee, State of Wisconsin, which terminal box is the sole and exclusive property of the defendant, WISCONSIN TELEPHONE COMPANY, and in its sole and exclusive possession and control.

12. That at or about the time of accomplishing said installation of said microphone, the defendants, HOLZMAN, [REDACTED] LOVERIEN, and LE GRAND in furtherance of the conspiracy as alleged, did conspire and combine with the defendants, [REDACTED] as authorized agents acting in the scope of their due authority and employment with the defendant, WISCONSIN TELEPHONE COMPANY, to-wit: the terminal box on the premises 161 West Wisconsin Avenue in the City and County of Milwaukee, Wisconsin, and its telephone lines and other facilities without charge, and that the defendant, WISCONSIN TELEPHONE COMPANY did willfully join in such conspiracy and combination and did give without charge to the above named defendants, HOLZMAN, [REDACTED] LOVERIEN and LE GRAND, none of whom was then an agent, servant or employee of the defendant, WISCONSIN TELEPHONE COMPANY, the use of said terminal box and certain telephone lines which run from the premises of Rooms 7144, 7148, and 7150 located at 161 West Wisconsin Avenue in the City and County of Milwaukee, Wisconsin and its telephone lines and other facilities without charge, and that the defendant, WISCONSIN TELEPHONE COMPANY, did willfully join in such conspiracy and combination and did give without charge to the above named defendants, HOLZMAN, [REDACTED] LOVERIEN, and LE GRAND, none of whom was then an agent, servant or employee of the defendant, WISCONSIN TELEPHONE COMPANY, the use of said terminal box and certain telephone lines which run from the premises of Rooms 7144, 7148 and 7150 at 161 West Wisconsin Avenue in the City and

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County of Milwaukee, Wisconsin; and that such lines were in working order and that as a result of such conspiracy and combination of the above named defendants, the conversations at the plaintiff's leased premises located in Rooms 7144, 7148 and 7150 located at 161 West Wisconsin Avenue, City and County of Milwaukee, were willfully eavesdropped, intercepted, overheard and monitored by the defendants, HOLZMAN, [REDACTED] LOVERIEN and LE GRAND, in such office in the Federal Building maliciously, surreptitiously, clandestinely and unlawfully, without the consent of the plaintiff; that said conversations coming initially into the microphone so unlawfully installed by the defendants, HOLZMAN, [REDACTED] LOVERIEN and LE GRAND, and unlawfully carried through the facilities of the defendant, WISCONSIN TELEPHONE COMPANY, by its consent and with the combination and conspiracy of defendants, [REDACTED] its employees acting within the scope of their employment and that in furtherance of said combination and conspiracy and to insure the fulfillment of its unlawful purposes, the defendant, WISCONSIN TELEPHONE COMPANY, from time to time made various examinations and inspections on said telephone lines and did insure and maintain them in good working order during the time of said willful illegal eavesdropping, over-hearing and monitoring as aforesaid.

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13. That all the actions of each and every defendant herein were in furtherance of an unlawful combination and conspiracy to deprive the plaintiff of the peaceful and lawful use of his

leased premises and to carry on his business as an attorney at law without the interference as hereinbefore alleged. That as a direct result of said unlawful and illegal conspiracy the conversations between the plaintiff and numerous of his clients which conversations were confidential and priveleged under the law, were intercepted, recorded, transcribed and in other ways divulged to various officers of the United States Government; that said unlawful activity on the part of the defendants was caused to become public knowledge appearing in various newspaper articles throughout the country, injuring the plaintiff in his reputation and professional standing.

14. That by reason of said actions, unlawful combination and conspiracy of the defendants and each of them, the plaintiff was in fact deprived of the private, peaceful and lawful use of his leased premises; that said conduct on the part of the defendants has caused the plaintiff to suffer great humiliation, ridicule and embarrassment, and further incurred expenses to remove the illegal and unlawful wiring, all to his damage in the amount of Five Hundred Thousand (\$500,000) Dollars.

15. That said unlawful and clandestine eavesdropping and monitoring of plaintiff's conversations, and especially those conversations with plaintiff's clients, all as more fully alleged hereinabove, was in no part known to or consented to by plaintiff or his clients; that plaintiff's first knowledge of the existance of said illegal and unlawful microphone and such unlawful eavesdropping

came to him on or about October 17, 1966 from sworn testimony of certain of the above named defendants in proceedings then and there being conducted in the Federal District Court for the Southern District of Illinois.

WHEREFORE, plaintiff prays for compensatory damages in the amount of Five Hundred Thousand (\$500,000) Dollars and punitive damages in the amount of Five Hundred Thousand (\$500,000) Dollars, in all the total of One Million (\$1,000,000) Dollars from the defendants and each of them jointly and severally plus the costs and disbursements of this action.

[Redacted Signature]

Attorney for Plaintiff

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STATE OF WISCONSIN)

155

MILWAUKEE COUNTY)

DOMINIC H. FRINZI, being first duly sworn on oath

Dominic H. Frinzi

Subscribed and sworn to before me

this 1st day of October, 1969.

[Handwritten signature]

Notary Public, Wisconsin

My commission expires 2-14-71.

Copy

STATE OF WISCONSIN

CIRCUIT COURT

MILWAUKEE COUNTY

DOMINIC H. FRINZI,

Plaintiff,

vs.

JOHN A. HOLZMAN, [REDACTED]

[REDACTED] CLARK E. LOVILLIER,

ALIX LE GRAND, [REDACTED]

[REDACTED]

and THE WISCONSIN TELEPHONE COMPANY,
a Wisconsin corporation,

Defendants.

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SUMMONS and

COMPLAINT

[REDACTED]
152 WEST WISCONSIN AVENUE
MILWAUKEE, WISCONSIN, 53205
TELEPHONE [REDACTED]

UNITED STATES GOVERNMENT

Memorandum

TO : MR. DE LOACH *DeLoach*

FROM : J. H. Gale *J. H. Gale*

SUBJECT: FRANK PETER BALISTRIERI
ANTI-RACKETEERING

DATE: October 20, 1969

Mr. Tolson	_____
Mr. DeLoach	_____
Mr. Walters	_____
Mr. Mohr	_____
Mr. Bishop	_____
Mr. Casper	_____
Mr. Callahan	_____
Mr. Conrad	_____
Mr. Felt	_____
Mr. Gale	_____
Mr. Rosen	_____
Mr. Sullivan	_____
Mr. Tavel	_____
Mr. Trotter	_____
Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

C51

Dominic Frinzi, hoodlum oriented attorney, Frank Peter Balistrieri, La Cosa Nostra (LCN) "boss", and his secretary and paramour, [redacted] all of Milwaukee have each filed a civil suit in State Court seeking damages of a million dollars or more against retired former Agents, John A. Holtzman, Alexander P. LeGrand (Holtzman EOD: 8/1/39, retired 7/30/65; LeGrand EOD: 11/6/39, retired 12/21/65, both with satisfactory services), Bureau Supervisor [redacted] (presently assigned as new Agent counselor), the Wisconsin Telephone Company, and several of its employees based on the maintenance of Bureau microphones on the premises of the three plaintiffs. *9-8*

We had microphone coverage of Frinzi at his office from [redacted] on Balistrieri's office at his place of business from [redacted] on [redacted] to [redacted]. These coverages were installed for the purposes of developing information as to the racketeering activities of LCN "boss" Frank Balistrieri and in the case of Frinzi for the additional purpose of developing information concerning the murder of Anthony Biernat, Milwaukee juke box operator killed in gangland fashion in 1963. All of the microphones were installed under the general authority of the Attorney General. They were disclosed during the Federal Income Tax trial of Balistrieri in Federal District Court, Springfield, Illinois, in October, 1966, in which case he was convicted.

In connection with these civil suits, Wisconsin law provides that a default judgment may be entered within twenty days of service of summons on a defendant if no response is filed before that period.

In view of this, former Special Agent Holtzman has retained an attorney to represent him at the outset and information has been received that former Special Agent LeGrand has also employed legal counsel. Milwaukee has advised that United States Attorney Cannon, Eastern District of Wisconsin, has been in *

* Clark E. Lovrien (EOD: 5/5/41, retired 7/6/62, satisfactory services)

Enclosure *sent 10-20-69*

CONTINUED-OVER

1 - Mr. Callahan 1 - Mr. Staffeld
1 - Mr. Gale 1 - Mr. Leggett

JGL:jfp (X7)

PERS. REC. UNIT

67 NOV 1 1969

NOV 13 1969

Memorandum to Mr. DeLoach
Re: Frank Peter Balistrieri

contact with the Department concerning these suits and the course of action to be followed by the Department.

A letter dated October 15, 1969, has been received from former Special Agent Holtzman concerning this matter and he has inquired as to whether the Bureau will assist him and other former personnel in this proceeding.

RECOMMENDED ACTION:

There is attached for approval a suggested letter to Mr. Holtzman advising him that this matter is being taken up with the Department and assuring Bureau assistance to him and other former Bureau personnel.

In view of the time element involved, it was recommended earlier today (10/20/69) that this matter be immediately discussed with the Department to assure that it is aware of the twenty day requirement for response by the defendants and to determine what course of action it will take regarding this litigation including what assistance will be rendered to former Bureau personnel involved. This contact with the Department will be promptly confirmed in writing.

[Handwritten signatures and initials]
JH
GX
H
W
JH
H
H

VIA TELETYPE
ENCIPHERED

Mr. Tolson	_____
Mr. DeLoach	_____
Mr. Walters	_____
Mr. Mohr	_____
Mr. Bishop	_____
Mr. Casper	_____
Mr. Callahan	_____
Mr. Conrad	_____
Mr. Felt	_____
Mr. Gale	_____
Mr. Rosen	_____
Mr. Sullivan	_____
Mr. Tavel	_____
Mr. Trotter	_____
Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

334 PM URGENT 10-21-69 TJL

TO DIRECTOR

FROM MILWAUKEE

JUNE

FRANK PETER BALISTRIERI, AR. OO: MILWAUKEE.

REURCAL OCTOBER TWENTY LAST.

FORMER AGENTS ALEXANDER P. LE GRAND AND CLARK E. LOVRIEN
WERE CONTACTED BY MILWAUKEE AND FORMER AGENT JOHN A. HOLTZMAN
WAS CONTACTED BY SPRINGFIELD TODAY TO ASCERTAIN DATES THEY WERE
SERVED WITH SUMMONS AND COMPLAINTS IN THREE ELECTRONIC SURVEILLANCE
CIVIL SUITS INSTITUTED AGAINST THEM BY DOMINIC FRINZI [REDACTED]
[REDACTED] AND FRANK PETER BALISTRIERI.

LE GRAND WAS SERVED OCTOBER FOURTEEN IN FRINZI CASE AND ON
OCTOBER FIFTEEN IN ALIOTO AND BALISTRIERI CASES. LOVRIEN WAS
SERVED OCTOBER THIRTEEN IN FRINZI CASE AND ON OCTOBER SEVENTEEN
IN [REDACTED] AND BALISTRIERI CASES. HOLTZMAN WAS SERVED ON OCTOBER
TEN IN FRINZI CASE AND ON OCTOBER TWENTY IN [REDACTED] AND BALISTRIERI
CASES.

DEPT. ATTY [REDACTED]

ADVISED 10-24-69 J.G.L.

REC-117 92-3116-608

NOV 18 1969

67 NOV 16 1969

PAGE TWO

EACH FORMER AGENT EXPRESSED DESIRE AND WILLINGNESS TO HAVE DEPARTMENT UNDERTAKE THEIR LEGAL DEFENSE AND ARE PREPARING LETTERS CONFIRMING SAME. LETTERS WILL BE FORWARDED TO BUREAU AS SOON AS RECEIVED BY MILWAUKEE.

LOVRIEN MENTIONED HE RETIRED FROM BUREAU JUNE FIFTEEN, SIXTYTWO AND DATES OF INSTALLATION OF ELECTRONIC COVERAGE IN FRINZI AND BALISTRIERI SUITS ARE AFTER HIS RETIREMENT.

[REDACTED] LEGAL COUNSEL, WIS. TELEPHONE CO., MILWAUKEE, PREVIOUSLY ADVISED TELEPHONE CO. SERVED OCTOBER SIXTEEN IN ALL THREE SUITS. PHONE CO. EMPLOYEES [REDACTED] [REDACTED] WAS SERVED OCTOBER SIXTEEN IN FRINZI CASE, OCTOBER SEVENTEEN^N IN [REDACTED] CASE, AND IS NOT DEFENDANT IN BALISTRIERI CASE. [REDACTED] SERVED OCTOBER FIFTEEN IN FRINZI CASE AND OCTOBER SIXTEEN IN [REDACTED] AND BALISTRIERI CASES. [REDACTED] [REDACTED] HAS NOT BEEN SERVED IN FRINZI AND BALISTRIERI CASES AS IS IN EUROPE UNTIL NOVEMBER THREE NEXT. [REDACTED] NOT MENTIONED AS DEFENDANT IN [REDACTED] CASE.

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PAGE THREE

[REDACTED] ADVISED OGDEN REALTY CO. SERVED OCTOBER SIXTEEN
IN [REDACTED] CASE AND IS NOT MENTIONED AS DEFENDANT IN FRINZI AND
BALISTRIERI CASES.

AIR MAIL COPY TO SPRINGFIELD FOR INFO.

RECEIVED: 4:51 PM ^{CHR}/LRC

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F B I

Date: 10/23/69

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL AIRMAIL _____
(Priority)

TO : DIRECTOR, FBI

FROM : SAC, MILWAUKEE (66-950)

JUNESUBJECT: FRANK PETER BALISTRIERI, aka
AR

OO: MILWAUKEE

Enclosed for the Bureau are copies of letters dated October 21 and 22, respectively, from former SAs ALEXANDER P. LE GRAND, JOHN A. HOLTZMAN, and CLARK E. LOVRIEN, indicating their wishes to have the Department act as their defense in three civil suits recently instituted against them in Wisconsin Circuit Court, Milwaukee, in the subject matter.

2 - Bureau (Encls. 3) (AM-RM)

1 - Milwaukee (66-950)

DEB/kdb

(3)

ORIGINALS DELIVERED TO DEPT ATTY



REC-117

JGL
92-3116-609

9 NOV 18 1969

Approved: *[Signature]*

Sent _____ M Per _____

Special Agent in Charge

6 NOV 20 1969

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b7C

October 21, 1969

The Honorable John N. Mitchell
Attorney General of the United States
U. S. Department of Justice
Washington, D. C.

Dear Sir:

I have been served with complaints as a co-defendant in three civil actions brought in the Circuit Court of Milwaukee County, Milwaukee, Wisconsin which are described below. Each action alleges a conspiracy on my part with others to plant microphones in plaintiff's premises, and with the subsequent transmittal to the government of information received from these microphones.

The actions are captioned as follows:

Dominic Frinzi, Plaintiff, v John Holzman, et al, Defendants, for damages totaling \$1,000,000.

Frank Peter Balistrieri, Plaintiff v John Holzman, et al, Defendants, for damages totaling \$1,750,000.


Plaintiff, v John Holzman, et al, Defendants, for damages totaling \$1,000,000.

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I was a Special Agent of the Federal Bureau of Investigation at the time of the actions alleged, and the charges against me relate to activities which I supposedly committed as a Special agent. Accordingly, I am both willing and desirous that the Department of Justice act as my attorney in defense of these actions.

Zerex copies of the complaints have been made available to the Milwaukee office of the FBI. Service was made upon me within the past week, and I have 20 days, exclusive of the day of service, within which to reply.

Sincerely,


Alex P. Le Grand
8709 W. Eggert Pl.
Milwaukee, Wis 53225

CIRCUIT COURT OF ILLINOIS

TENTH JUDICIAL CIRCUIT
MAGISTRATE DIVISION
PEORIA, COUNTY

MAGISTRATES

J. LEWIS BOND
ROBERT A. CONEY
JOHN A. HOLTZMAN
DAVID C. MCCARTHY
O. D. VESPA
ESPEY C. WILLIAMSON

October 21, 1969

COURT HOUSE BUILDING
PEORIA, ILLINOIS 61602
TELEPHONE 676-4611

U. S. Department of Justice
Washington, D.C.

Gentlemen:

On October 10, 1969, a Complaint and Summons requiring an answer within twenty days, in the case entitled Dominic H. Franzl, plaintiff, v. John A. Holtzman, et al., defendants, and captioned Circuit Court of Milwaukee County, State of Wisconsin, was served on me. The Complaint by [redacted] attorney for the plaintiff, 152 W. Wisconsin Avenue, Milwaukee, Wisconsin, 53203, required an answer to [redacted] within twenty days.

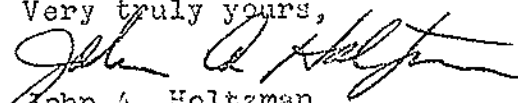
On October 20, Complaints in two additional cases were served on me, also requiring answers within twenty days, to Joseph P. Balistreri, 211 W. Wisconsin Avenue, Milwaukee, Wisconsin, 53203. These cases were entitled Frank Peter Balistreri, plaintiff, v. John A. Holtzman, et al., defendants, and [redacted] plaintiff, v. John A. Holtzman, et al., defendants.

Copies of these Complaints have been forwarded to Mr. Hoover, Director of the F.B.I., by my letters of October 15 and October 20 respectively, and copies of the Complaints would be available from this source if needed. I do not know whether the Complaints have been filed with the Clerk of the Circuit Court in Milwaukee County, but I am informed that it is possible to refine all the pleadings in a civil case before the Complaint itself is filed.

In order to preclude a default judgment, I have asked Attorney [redacted] of the firm Grootemaat, Cook & Frank, 660 E. Mason Street, Milwaukee, Wisconsin, 53202, to enter his appearance in this matter and protect my interests until additional arrangements can be made.

Please consider this letter as a request to the Department of Justice to assist me in defense of these charges, which cover activities allegedly occurring during the time that I was an F.B.I. agent in Milwaukee.

Very truly yours,


John A. Holtzman

JAH:pg



The State of Wisconsin
Department of Justice
Madison

CRIME LABORATORY DIVISION
4706 UNIVERSITY AVENUE
MADISON, WIS. 53706
(608) 266-2031

ROBERT W. WARREN
ATTORNEY GENERAL

DANIEL P. HANLEY, JR.
EXECUTIVE ASSISTANT

October 22, 1969

Mr. John N. Mitchell
United States Attorney General
United States Department of Justice
Washington, D. C.

Dear Sir:

I am a retired agent of the FBI. I was recently served with three summons and complaints growing out of my service in the Milwaukee Office of the FBI and charging me with conspiring, with certain other individuals including former FBI agents, with having performed certain acts to the damage of the plaintiff. Each of these summons and complaints are listed below by title and date of service. All are brought in the Circuit Court of Milwaukee County, Wisconsin.

FRANK PETER BALISTRERI,
Plaintiff,

vs.

JOHN A. HOLZMAN
1994 HiView Road
Peoria, Illinois

Milwaukee, Wisconsin

CLARK E. LOVRIEN
Madison, Wisconsin

ALEX LEGRAND
2576 North 47th Street
Milwaukee, Wisconsin

Milwaukee, Wisconsin

Milwaukee, Wisconsin
and

THE WISCONSIN TELEPHONE COMPANY
a Wisconsin Corporation
722 N. Broadway
Milwaukee, Wisconsin

Defendants.

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b7c

Mr. John N. Mitchell

Page 2

October 22, 1969

The date of service on me of the above complaint was October 17, 1969,
in Madison, Wisconsin.

2.

[Redacted]

vs.

JOHN A. HOLZMAN
1994 HiView Road
Peoria, Illinois

[Redacted]

Milwaukee, Wisconsin

[Redacted]

Milwaukee, Wisconsin

[Redacted]

Milwaukee, Wisconsin

CLARK E. LOVRIEN
Madison, Wisconsin

OGDEN REALTY COMPANY
A Wisconsin Corporation
1234 N. Prospect Avenue
Milwaukee, Wisconsin

ALEX LEGRAND
2756 N. 47th Street
Milwaukee, Wisconsin

THE WISCONSIN TELEPHONE COMPANY
A Wisconsin Corporation
722 N. Broadway
Milwaukee, Wisconsin

Defendants.

The summons and complaint in the above case were served upon me in
Madison on October 17, 1969.

3. DOMINIC H. FRINZI
Plaintiff,

vs.

JOHN A. HOLZMAN

CLARK E. LOVRIEN
ALEX LE GRAND

[Redacted]

THE WISCONSIN TELEPHONE COMPANY,
a Wisconsin corporation

Defendants.

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Mr. John N. Mitchell

Page 3

October 22, 1969

The above complaint and summons were served on me in Madison, Wisconsin; on October 13, 1969.

I retired from the FBI effective July 6, 1962.

On the date of the alleged acts set out in Complaint No. 1, I was employed by the Attorney General of Wisconsin as a special agent in the Criminal Investigation Division, but at no time was I engaged in any of the acts set forth in that complaint.

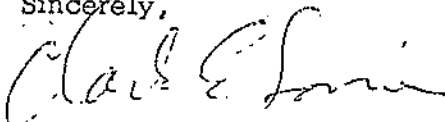
On the date of the alleged acts set out in Complaint No. 2, I was a special agent of the FBI assigned to the Milwaukee Office.

On the date of the alleged acts set out in Complaint No. 3, I was unemployed and living on my farm in Marquette County, Wisconsin. I had no knowledge of or part in any of the acts complained of in that Complaint.

In view of the fact that all three of the above suits are based upon or grew out of my services as a special agent of the FBI, I am not only desirous but would be very appreciative if the United States Department of Justice would represent me in my defense of these suits. The Milwaukee Office of the FBI has a copy of each Complaint. In each case I have 20 days to answer, exclusive of the dates of service, which dates I have set out above.

Rest assured that I am available for consultation at any time and will do my utmost not only in my own defense, but to cooperate with my co-defendants in defending ourselves against these unfounded charges.

Sincerely,



Clark E. Lovrien

CEL/mj

P. S. At the present time I am employed by the Wisconsin Department of Justice as Acting Administrator of the Crime Laboratory Division.

Assistant Attorney General
Civil Division

October 21, 1969

Director, FBI

1 - Mr. DeLoach
1 - Mr. Bishop
1 - Mr. Callahan
1 - Mr. Gale
1 - Mr. Staffeld
1 - Mr. Leggett

FRANK PETER BALISTRIERI
ANTI-RACKETEERING

We have received information to the effect that Dominic H. Frinzi, an attorney of Milwaukee, Wisconsin, has instituted a suit in the Circuit Court of Milwaukee County against the Wisconsin Telephone Company and several of its employees together with retired former Special Agents of the FBI, John A. Holtzman, Alexander P. LeGrand, Clark E. Lovrien, and currently employed Special Agent [redacted] all previously of our Milwaukee office, seeking compensatory damages of \$500,000 and punitive damages in a similar sum based on the maintenance of an FBI electronic surveillance of his office space.

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In addition, we have further been advised that Frank Peter Balistrieri, described as a well-known Milwaukee organized crime figure, has begun a suit against the same individuals mentioned above seeking \$250,000 compensatory damages and punitive damages in the amount of \$1,500,000 based on the maintenance of an FBI electronic surveillance of his business office.

In a third suit against the same defendants filed by [redacted] an associate of Balistrieri, compensatory damages are being sought in the amount of \$250,000 and punitive damages in the amount of \$750,000 in connection with the maintenance of an FBI electronic surveillance of her apartment.

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A copy of each of the actions mentioned above is enclosed for your information.

The electronic installations referred to were instituted by the FBI in connection with our investigation of the activities of Balistrieri. They were disclosed during the Federal income tax trial of Balistrieri in Federal District Court, Springfield, Illinois, in October, 1966. Details of these electronic installations have previously been furnished to the Department.

JGL:jfp
(9)

(See cover memo Gale to DeLoach, 10/21/69, AAS:mfd:jfp)

MAIL ROOM ☐ TELETYPE UNIT ☐

Tolson _____
DeLoach _____
Mohr _____
Bishop _____
Casper _____
Callahan _____
Conrad _____
Felt _____
Gale _____
Rosen _____
Sullivan _____
Tavel _____
Trotter _____
Tele. Room _____
Holmes _____
Gandy _____

67 NOV 19 1969

Assistant Attorney General
Civil Division

Former Special Agent Holtzman has directed to the Bureau a request to be advised as to what assistance will be rendered to him and to other former Agents in this proceeding. A copy of his letter is enclosed for your information. In accordance with advice received from [redacted] of your Division, the Agent personnel involved in this matter have been advised that a specific request for assistance by the Government must be made by them. It is anticipated these will be forthcoming within the near future and you will be advised as soon as they are received.

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[redacted] has been advised that under the provisions of Wisconsin State Law a default judgment may be entered for the plaintiff in a civil suit unless an answer to the complaint is forthcoming within twenty days after service of summons.

This will confirm information furnished on October 20, 1969, to [redacted]

Enclosures (4)

NOTE: Names of personnel are correctly spelled in this letter.
They are incorrectly set forth in the attachments.

UNITED STATES GOVERNMENT

Memorandum

TO : MR. DE LOACH

DATE: October 21, 1969

FROM : J. H. Gale

SUBJECT: FRANK PETER BALISTRIERI
ANTI-RACKETEERING

Tolson _____
DeLoach _____
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Casper _____
Callahan _____
Conrad _____
Felt _____
Gale _____
Rosen _____
Sullivan _____
Tavel _____
Trotter _____
Tele. Room _____
Holmes _____
Gandy _____

C-1 [redacted] Attorney in the Civil Division of the Department, was contacted October 20, 1969, with respect to the civil action filed by Milwaukee hoodlum Balistrieri and others against former Agents* as well as the Wisconsin Telephone Company and Wisconsin Telephone Company personnel. This action seeks damages arising out of electronic surveillance coverage maintained on Balistrieri and his associates by the Bureau and disclosed during the course of Balistrieri's Federal income tax trial.

*as well as currently employed SA [redacted]

[redacted] attention was called particularly to the information received by the Bureau indicating that a response to the complaints must be made by the defendants within twenty days or there is a risk of a default judgment being entered against the defendants. [redacted] said that he would immediately research this matter and advise the Bureau of the results. He would also provide the Bureau with his requirements as to the actual participation or relationship the Agents had with respect to the electronic surveillance.

[redacted] suggested that in order to facilitate the full assistance of the Department's legal facilities being made available to the ex-Agents against whom summons have already been delivered, that these ex-Agents should forward a letter outlining the fact that their participation in the action from which Balistrieri and others seek damages was in connection with their official duties as Special Agents of the FBI and that they, therefore, desire the Government's assistance in the defense of this action. [redacted] stated this is a routine letter merely to show that these Agents do in fact want the Government to represent their interests.

[redacted] stated that in view of his experience in past civil actions, it is his immediate impulse to seek a transfer of the matter to a Federal District Court. This, he said, would require research and he would advise us of the results.

Enclosure *sent* 10-21-69

- 1 - Mr. DeLoach
- 1 - Mr. Bishop
- 1 - Mr. Callahan
- 1 - Mr. Gale
- 1 - Mr. Rosen
- 1 - Mr. Leggett

AAS:mfd:jfp (7)

CONTINUED-OVER

67 NOV 19 1969

October 24, 1969

SPECIAL INVESTIGATIVE DIVISION

In attached teletype, Milwaukee furnishes information requested by the Department concerning Bureau electronic surveillances which are basis for civil damage suits filed in Wisconsin State Court by hoodlum-oriented attorney, Dominic Frinzi; La Cosa Nostra boss, Frank Balistrieri; and his paramour and secretary [redacted] against Wisconsin telephone company and several of its employees and present and former Bureau personnel.

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Department desires this information today (10/24/69) to prepare necessary documents to be filed early next week asking for removal of case from State court to Federal jurisdiction.

In view of urgency due to time limitation, information in attached teletype together with related data concerning dates of service of summonses on Bureau personnel being furnished orally to Department today and being promptly confirmed in writing.

All phases of this matter are being very closely followed for further developments.

JGL:lab

[Handwritten signatures and initials: JGL, a checkmark, and others]

VIA TELETYPE
OCT 23 1969
ENCIPHERED

Mr. Tolson _____
Mr. DeLoach _____
Mr. Walters _____
Mr. Mohr _____
Mr. Bishop _____
Mr. Casper _____
Mr. Callahan _____
Mr. Conrad _____
Mr. Felt _____
Mr. Gale _____
Mr. Rosen _____
Mr. Sullivan _____
Mr. Tavel _____
Mr. Trotter _____
Tele. Room _____
Miss Holmes _____
Miss Gandy _____

246PM URGENT 10-23-69

TO DIRECTOR
FROM MILWAUKEE

JUNE.

also known as Anti-Racketeering
FRANK PETER BALISTRIERI, AKA, AB. OO: MILWAUKEE.
Office of Origin

REURCAL OCTOBER TWENTYFIRST LAST.

REVIEW OF MILWAUKEE "JUNE" FILES FOR [REDACTED]

DOMINIC FRINZI AND FRANK BALISTRIERI TECHNICAL INSTALLATIONS CONDUCTED
AND FORMER AGENTS JOHN A. HOLTZMAN, ALEXANDER P. LE GRAND AND CLARK
LOVRIEN CONTACTED RE THEIR PARTICIPATION IN MATTERS ALLEGED IN
CIVIL COMPLAINTS FILED AGAINST THEM.

MILWAUKEE FILES REFLECT [REDACTED] INSTALLATION COMPLETED [REDACTED]

[REDACTED] BUT DO NOT IDENTIFY AGENTS WHO PARTICIPATED IN
INSTALLATION. COMMUNICATIONS RE THIS INSTALLATION WERE INITIALED
BY HOLTZMAN, [REDACTED] AND LOVRIEN.

FRINZI INSTALLATION MADE [REDACTED] AND FILES REFLECT
PARTICIPATION BY [REDACTED] AND HOLTZMAN.

SURVEY FOR BALISTRIERI INSTALLATION MADE [REDACTED]

[REDACTED] AND INSTALLATION MADE [REDACTED]
AND HOLTZMAN PARTICIPATED IN THIS SURVEY AND INSTALLATION

END PAGE ONE

NOV 13 1969

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b7E

REC-117-2-3116-612

67 NOV 19 1969

PAGE TWO

LE GRAND ADVISED HE ARRIVED IN MILWAUKEE ABOUT APRIL FIFTEEN SIXTYTHREE AND DID NOT PARTICIPATE IN [] OR FRINZI INSTALLATIONS. b6 b7C
HE PARTICIPATED IN PHYSICAL SURVEILLANCE DURING BALISTRIERI INSTALLATION AND ALSO OCCASIONALLY MONITORED AND PREPARED SUMMARIES AFTER HOLTZMAN LEFT MILWAUKEE.

LOVRIEN ADVISED HE RETIRED FROM BUREAU JUNE FIFTEEN SIXTYTWO AND HAD NO PARTICIPATION IN FRINZI OR BALISTRIERI INSTALLATION. HE HAD KNOWLEDGE OF AND DIRECTED ACTIVITIES OF AGENTS WHO HANDLED [] INSTALLATION BUT DID NOT ACTIVELY PARTICIPATE. b6 b7C

HOLTZMAN ADVISED HE PARTICIPATED IN ALL THREE INSTALLATIONS AND OCCASIONALLY HANDLED MONITORING DUTIES. HE WAS TRANSFERRED FROM MILWAUKEE DURING EARLY SUMMER OF SIXTYFOUR.

ABOVE ACTIVITIES BY [] LE GRAND, LOVRIEN AND HOLTZMAN WERE PURSUED BY THEM AS RESULT OF SPECIFIC APPROVAL FROM BUREAU FOR MAKING THESE INSTALLATIONS.

BUREAU MAY DESIRE TO OBTAIN SPECIFIC EMPLOYMENT DATES FOR HOLTZMAN, LE GRAND AND LOVRIEN FROM BUREAU PERSONNEL ^{FILE} AS THESE DATES NOT AVAILABLE IN MILWAUKEE.

RECEIVED: 402PM REM

UNITED STATES GOVERNMENT

Memorandum

DEPARTMENT OF JUSTICE

TO : Mr. J. Edgar Hoover
Director
Federal Bureau of Investigation

FROM : William D. Ruckelshaus
Assistant Attorney General
Civil Division

DATE: 00

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14
14

Mr. Tolson	
Mr. DeLoach	
Mr. Walters	
Mr. Mohr	
Mr. Bishop	
Mr. Casper	
Mr. Callahan	
Mr. Conrad	
Mr. Felt	
Mr. Gale	
Mr. Rosen	
Mr. Sullivan	
Mr. Tavel	
Mr. Trotter	
Tele. Room	
Miss Holmes	
Miss Gandy	

SUBJECT: Frank P. Balistreri v. John A. Holzman, et al.;
Dominic H. Frinzi v. John A. Holzman, et al.;
[redacted] v. John A. Holzman, et al., Milwaukee County Circuit Court, Milwaukee, Wisconsin

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We have been advised informally that the above actions are in the process of being filed in Milwaukee County Circuit Court, Wisconsin, and that certain present and former employees of the Federal Bureau of Investigation are named as party defendants.

We understand that the Bureau personnel involved are [redacted] still employed by the Milwaukee Field Office and John A. Holzman, Alex LeGrand, and Clark E. Lovrein, all former employees of the Milwaukee Field Office. We assume that the individuals involved desire representation by the United States. If so, each individual should transmit a short request for such representation in the above actions.

We understand that the earliest date of service of any summons upon any of the individuals involved in the above actions was on October 10, 1969. We request that you verify immediately for us that each individual has in fact been served with a summons in each of the above actions and that you advise us of the date of service of each summons upon each individual.

Our first action will be to remove the three cases to United States District Court at Milwaukee. Thereafter, we will seek to have the federal court extend the time for answer an additional 40 days beyond the 20 days presently permitted. During that time, we will be preparing a projected outline of our defense of the cases.

REC-117 92 - 3116 - 613

11-11
OCT 21 1969

35 OCT 21 1969
EXP. PROC.

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REC. UNIT

The petitions for removal which we will file in all three actions must be verified by each individual defendant and must contain a short statement of the facts entitling the defendant to have the case removed. For purposes of these actions, the petition must state facts sufficient to show that the acts performed by the defendants which are alleged in the complaint were performed by them as officers of the United States and under the color of their office. In order to prepare these petitions, we will need a short statement detailing the participation of each individual in the matters alleged in the various complaints. Please also indicate whether your Bureau considers the participation of each individual as set forth in the statements to have been within the course of employment of that individual. We request that your verification of the dates of service and statements of participation for each individual, together with your confirmation that each participation was within the scope of employment, be in our hands not later than October 24, 1969. The urgency is required since we desire to remove the actions before any answer is due in state court.

The attorney assigned to the handling of these actions is of this Division. Please feel free to have any member of your staff telephone him at any time concerning these cases. We will communicate with you further in the very near future concerning the additional information and materials we will need to defend these actions.

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Thank you very much for your anticipated cooperation and assistance.

*Hand to AFAC Records Mail
10-23-69*

11/3/69.

5¹ Airtel

To: SAC, Milwaukee (94-316) (92-222)
From: Director, FBI (92-3116) (92-6805)
FRANK PETER BALISTRIERI
ANTI-RACKETEERING

In connection with the current civil suits in this matter, the Departmental Attorney handling the cases has requested the following material:

1. A copy of requests for surveys and authorizations to survey for misur coverage on Balistrieri, Frinzi, and [redacted]
2. Copies of all requests for installations and authorizations to install on above misurs. This includes request in [redacted] matter for installation not actually placed in operation due to technical factors.
3. Copies of all requests for continuances of above misurs and authorizations to continue.
4. A copy of all logs, airtels, reports, and other documents or communications containing information from all of the above misurs including any letterhead memoranda, teletypes, and translations of any conversations monitored by these misurs.

The above material should be forwarded to reach the Bureau by 11/5/69. Care must be exercised to insure that all copies are clear and legible throughout. The above copies should be made of the documents exactly as they appear in your files with none of the markings or notations blocked out or masked.

JGL:jfp

(7) *[initials]*

SEE NOTE PAGE 127

92-3116-614

9 NOV 18 1969

MAILED 8
NOV 3 1969
COMM-FBI

Tolson _____
DeLoach _____
Walters _____
Mohr _____
Bishop _____
Casper _____
Callahan _____
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Sullivan _____
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Tele. Room _____
Holmes _____
Gandy _____

TELETYPE UNIT ☐

67 NOV 19 1969

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UNRECORDED COPY FILED IN 92-6805-

Airtel to Milwaukee
Re: Frank Peter Balistrieri

NOTE: Departmental Attorney [redacted] has made a preliminary request for the above material for use in preparing motions and other pleadings in connection with the civil suits filed in the captioned matter. [redacted] will submit a formal written request for this material the first part of the week of 11/3/69, and Milwaukee being alerted in advance in order to begin preparation of desired material.

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b7C

Handwritten: REC-UNIT

Assistant Attorney General
Civil Division

October 27, 1969

Director, FBI

Handwritten: 92 - 3116 - 613

- 1 - Mr. DeLoach
- 1 - Mr. Bishop
- 1 - Mr. Callahan
- 1 - Mr. Gale
- 1 - Mr. Staffeld
- 1 - Mr. Leggett

Stamp: REC-117

FRANK PETER BALISTRIERI v. JOHN A. HOLTZMAN, ET AL.;
DOMINIC H. FRINZI v. JOHN A. HOLTZMAN, ET AL.;

[redacted] also known as [redacted] v.

JOHN A. HOLTZMAN, ET AL.
MILWAUKEE COUNTY CIRCUIT COURT
MILWAUKEE, WISCONSIN

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Reference is made to your memorandum of October 20, 1969, in which certain information is requested concerning the captioned matters. The following confirms information in response thereto which was furnished to [redacted] of your Division on October 24, 1969.

With reference to the matter of representation, each one of the former Bureau personnel named in the suits and currently employed Special Agent [redacted] have advised that they desire representation by the United States in these matters. The written request of Special Agent [redacted] was furnished to [redacted] on October 24, 1969, and the letters from former Bureau Agents requesting assistance will be forwarded as soon as received.

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In connection with the dates of service of former and present Bureau personnel, we have been advised that former Special Agent John A. Holtzman was served on October 10, 1969, in the Frinzi case and on October 20, 1969, in the Balistrieri and [redacted] cases; former Special Agent Alexander P. LeGrand was served on October 14, 1969, in the Frinzi case and on October 15, 1969, in the Balistrieri and [redacted] cases; and former Special Agent Clark E. Lovrien was served on October 13, 1969, in the Frinzi case and on October 17, 1969, in the Balistrieri and [redacted] cases. As of October 24, 1969, Special Agent [redacted] had not been served a summons in any of the captioned matters.

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JGL:jfp
(9)

SEE NOTE PAGE 3.

- Tolson _____
- DeLoach _____
- Walters _____
- Mohr _____
- Bishop _____
- Casper _____
- Callahan _____
- Conrad _____
- Felt _____
- Gale _____
- Rosen _____
- Sullivan _____
- Tavel _____
- Trotter _____
- Tele. Room _____
- Holmes _____
- Gandy _____

67 NOV 19 1969

TELETYPE UNIT ☐

Handwritten signatures and initials: JGL, K, T, etc.

Assistant Attorney General
Civil Division

Our Milwaukee office advises that Special Agent [redacted] and former Special Agent Holtzman participated in the electronic surveillance maintained on Frinzi. These same two individuals also participated in the electronic installation maintained on Balistrieri. The files of our Milwaukee office do not indicate which Agents participated in the electronic surveillance maintained on [redacted] however, communications connected with this installation were initialed by Special Agent [redacted] and former Agents Holtzman and Lovrien. Former Special Agent LeGrand arrived in the Milwaukee office in April, 1963, and did not participate in the [redacted] or Frinzi installations, but did participate in a physical surveillance during the installation of microphone surveillance on Balistrieri and occasionally monitored such installation and prepared summaries therefrom. Former Special Agent Lovrien retired from the Bureau in 1962 and did not participate in the Frinzi or Balistrieri installations. He did have knowledge of and directed the activities of personnel who handled the [redacted] installation but he did not actively participate in this installation. Former Special Agent Holtzman has advised that he participated in all three of the foregoing installations and occasionally conducted monitoring activities concerning them.

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All of the foregoing microphone surveillances were installed pursuant to the general authorization of the Attorney General. The participation of each of the former Special Agents and the currently employed Special Agent in these matters was within the scope of their employment with the Federal Bureau of Investigation. Former Special Agent Holtzman was employed as a Special Agent from August 1, 1939, through August 11, 1965; former Special Agent Lovrien was employed as a Special Agent from May 5, 1941, through July 6, 1962; former Special Agent LeGrand was employed as a Special Agent from November 6, 1939, through January 4, 1966; and Special Agent [redacted] began employment as a Special Agent on July 7, 1958, and is currently employed in that status.

b6
b7C

This is furnished in accordance with your request of October 20, 1969, and any further information desired by you regarding this matter will be supplied upon request.

Assistant Attorney General
Civil Division

NOTE: Hoodlum oriented Milwaukee Attorney Dominic Frinzi, La Cosa Nostra "boss" Frank Peter Balistrieri, and his paramour - secretary, [redacted] have each filed a suit for a million dollars or more against the Wisconsin Telephone Company and several of its employees together with three former Bureau Agents and one currently employed Agent based on the maintenance of FBI electronic surveillances on the three plaintiffs. The Department has indicated it will represent the three former Agents and the currently employed Agent in this litigation and has requested data necessary to prepare a preliminary motion asking for removal of the above suits from the Wisconsin State Court to the Federal District Court. All of the foregoing information was orally furnished to Departmental Attorney [redacted] on 10/24/69, who is handling this matter, and this communication is being forwarded in order to confirm this action.

b6
b7C

F B I

Date: November 4, 1969

Transmit the following in _____
(Type in plaintext or code)Via Airtel Air Mail - Registered
(Priority)

TO: DIRECTOR, FBI
ATTN: AL STAFFELD, ROOM 1529

FROM: SAC, MILWAUKEE (66-950)

SUBJECT: "JUNE"
FRANK PETER BALISTRIERI
AR
OO: MILWAUKEE

Re Bureau Airtel to Milwaukee, 11/3/69.

Enclosed for the Bureau under separate cover are two Xerox copies of documents requested in referenced Airtel with reference to damage suits recently instituted by FRANK PETER BALISTRIERI, [redacted] and DOMINIC H. FRINZI.

The MISUR of FRANK PETER BALISTRIERI is [redacted] Documents pertaining to this MISUR have been separated for the Bureau's convenience in separate volumes described as follows.

[redacted]

6-Bureau (2-92-3116) (Air Mail - Registered)
(2-92-6805)
(2 - 1 for each package - Return Receipt Requested)
4-Milwaukee (1-66-950)
(1-94-316 Sub 2)
[redacted]
(1-92-222 Sub 2)

DEB/els
(10)

REC-117

2 NOV 7 1969

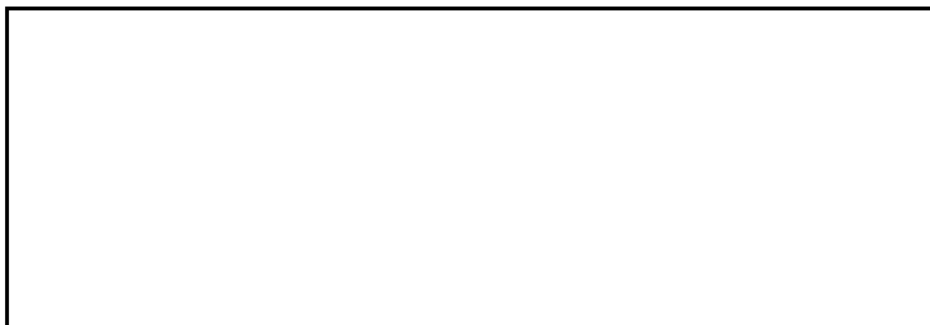
Approved: [Signature]
Special Agent in Charge

Sent _____ M Per _____

6 NOV 20 1969

b6
b7C
b7E

MI 66-950



The MISUR coverage of [redacted]
[redacted] Documents with reference
to this MISUR are identified as follows.

b6
b7C
b7E



The MISUR for DOMINIC H. FRINZI [redacted]
[redacted] Documents regarding this
MISUR are identified as follows.



b7E

It is noted that three copies of all the above documents were made by Milwaukee and two copies are being forwarded to the Bureau while one copy is being maintained in Milwaukee for future reference.

UNITED STATES GOVERNMENT

Memorandum

DEPARTMENT

TO : Mr. J. Edgar Hoover
Director
Federal Bureau of Investigation

FROM : William D. Ruckelshaus
Assistant Attorney General
Civil Division

DATE: NOV 4 1969

WDR:
145-
145-
145-

Mr. Tolson	_____
Mr. DeLoach	_____
Mr. Walters	_____
Mr. Mohr	_____
Mr. Bishop	_____
Mr. Casper	_____
Mr. Callahan	_____
Mr. Conrad	_____
Mr. Felt	_____
Mr. Gale	_____
Mr. Rosen	_____
Mr. Sullivan	_____
Mr. Tavel	_____
Mr. Soyars	_____
Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

SUBJECT: Frank P. Balistreri v. John A. Holzman, et al.
Dominic H. Frinzi v. John A. Holzman, et al.
[redacted] v. John A. Holzman, et al., Milwaukee County Circuit Court, Milwaukee, Wisconsin

b6
b7c

The above actions were all removed from the Circuit Court, Milwaukee County, State of Wisconsin to the United States District Court for the Eastern District of Wisconsin.

We have filed Motions for Summary Judgment on Behalf of Mr. Lovrien in the Balistreri and Frinzi cases, and on Behalf of Mr. LeGrand in the [redacted] case. The basis for the motions is that the defendant involved in each instance had no part in the matters alleged in the respective complaints.

We have moved for extensions of time in which to respond to the complaints until December 10, 1969 and obtained such extensions for Messrs. LeGrand and Holzman in Frinzi, for Mr. LeGrand in Balistreri, and for Mr. Lovrien in [redacted]

Copies of the above removal and motion papers are attached.

We are presently in the process of moving for similar extensions for Messrs. [redacted] and Holzman in Balistreri and [redacted] and for [redacted] in Frinzi. We anticipate that these motions will be granted.

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b7c

REC-117

92-3116-616

NOV 12 1969

PERS. REC. UNIT

67 NOV 19 1969

In the near future, we plan to move for summary judgment for all four defendants (Holtzman, LeGrand, Lovrien, and [redacted] on the ground of federal immunity. In order to prepare our papers in this regard, we will need copies of the following papers:

1. The request for authorization to conduct the survey for the [redacted] Frinzi and Balistrieri installations.

2. The authorizations to conduct each survey for the [redacted] Frinzi and Balistrieri installations.

b6
b7C

3. The request for authorization to install the [redacted] Frinzi and Balistrieri installations.

4. The authorization to install the [redacted] Frinzi and Balistrieri installations.

5. All requests for authority to continue the [redacted] Frinzi and Balistrieri installations.

6. All authorizations to continue the [redacted] Frinzi and Balistrieri installations.

In due course, we will also be preparing for signature by an appropriate official of your Bureau affidavits to support the motions for summary judgment in each case.

We also anticipate commencing discovery at an early date. In order to prepare for this discovery, we will need one copy of each of the following documents:

1. The logs of the [redacted] Frinzi and Balistrieri installations.

2. Those airtels which contain any information obtained through the [redacted] Frinzi and Balistrieri installations.

3. Those reports which contain any information obtained through the [redacted] Frinzi and Balistrieri installations.

b6
b7C

4. Any other documents which contain information from the [redacted] Frinzi and Balistrieri installations.

We realize that many, if not all, of these documents have previously been transmitted to the Department. However, since they are needed for continuing use in the Balistrieri tax case and have been marked extensively by the attorneys using them, we will need separate copies.

In addition, we request that [redacted] of this Division be permitted to review all Bureau Headquarters files pertaining to the plaintiffs so that he may obtain additional information for use in discovery.

Prior to taking the depositions of the plaintiffs, [redacted] would also like to review the Milwaukee Field Office files pertaining to the plaintiffs, and we ask that he be granted access to them for review with the present Balistrieri case agent at the appropriate time.

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b7c

Because of our short deadlines involved in this case, we ask that you transmit the documents requested herein by November 7, 1969, and that [redacted] be permitted to begin his review of the Headquarters files on November 3, 1969 or as soon thereafter as he is able to begin the review.

Thank you for your cooperation and assistance.

Enclosures

November 5, 1969

SPECIAL INVESTIGATIVE DIVISION

Attached Departmental memorandum in connection with civil suits recently filed in Wisconsin State Court by hoodlum-oriented attorney Domonic Frinzi, La Cosa Nostra boss Frank Peter Balistrieri, and his former paramour [redacted] against Wisconsin Telephone Company and employees, former Bureau Agents and one currently employed Agent, indicates all these actions have been removed to jurisdiction Federal District Court, Eastern District of Wisconsin. Government filed motions for summary judgments on behalf of two former Agents on basis they were not involved in specific actions and has obtained extension for answer until December 10, 1969, as to part of the actions and is requesting similar extension in remaining cases. (Copies of removal and motion papers detached and retained in Special Investigative Division.)

b6
b7C

In order to prepare necessary pleadings to support motions for summary judgments, affidavits and discovery, Department desires copies of Bureau papers concerning authorizations for various microphones involved, logs, reports, and other documents containing information received from microphone coverage. They also requested permission to review Bureau and Milwaukee files for purpose of taking depositions from plaintiffs.

In order to afford all assistance to Government in defense of suits, requested material is being assembled on expedite basis and Special Investigative Division recommends authority be granted for review of files as requested.

JGL:lab
k

92-3116-616

F B I

Date: 11/7/69

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL AIR MAIL - REGISTERED
(Priority)

TO: DIRECTOR, FBI

FROM: SAC, MILWAUKEE (66-950)

SUBJECT: FRANK PETER BALISTRIERI
AR

(OO: MILWAUKEE)

Enclosed for the Bureau is one xerox copy each of the following motions filed in USDC, Milwaukee, Wisconsin, 10/30, 31/69:

A. BALISTRIERI SUIT

1. Motion for Petition of Removal by ALEXANDER P. LE GRAND.
2. Motion for Summary Judgment on Behalf of CLARK E. LOVRIEN.
3. Ex Parte Motion for Extension of Time by [REDACTED] and JOHN A. HOLTZMAN.

B. [REDACTED] SUIT

1. Petition for Removal by CLARK E. LOVRIEN.

ENCLO. BEHIND FILE

- (2 - Bureau (Encs. 12) (AM - RM))
- 4 - Milwaukee (66-950)
- (1 - 92-222-Sub 2)
- (1 - 94-316-Sub 2)
- [REDACTED]

DEB:rab
(6)

REC-117

10 NOV 10 1969

92 - 3116 - 617

b6
b7c

Approved: _____
Special Agent in Charge

Sent _____ M PERS. REC. UNIT

67 NOV 19 1969

MI 66-950

2. Motion for Summary Judgment on Behalf of ALEXANDER P. LE GRAND.
3. Ex Parte Motion for Extension of Time by CLARK E. LOVRIEN.
4. Ex Parte Motion for Extension of Time by [redacted] and JOHN A. HOLTZMAN.

b6
b7C

C. FRINZI SUIT

1. Petition for Removal by JOHN A. HOLTZMAN and ALEXANDER P. LE GRAND.
2. Motion for Summary Judgment on Behalf of CLARK E. LOVRIEN.
3. Ex Parte Motion for Extension of Time by ALEXANDER P. LE GRAND and JOHN A. HOLTZMAN.
4. Ex Parte Motion for Extension of Time by [redacted]

b6
b7C

As the Bureau is aware, all three suits have been removed to Federal Court, and the defendants have been granted an extension to 12/10/69, in which to answer complaints.

[redacted] Legal Counsel, Wisconsin Telephone Company, advised on 11/4/69, that [redacted] Telephone Company employee who had been in Europe, was served in all suits on 11/3/69. He further advised the Telephone Company had received an extension to 11/24,25,26/69, in which to file answers to the complaints. It was also his understanding adverse examinations of BALISTRERI, [redacted] and FRINZI are scheduled for 11/19,20,21/69, respectively.

b6
b7C

PERS. REC. UNIT

11/12/69

Airtel

REC-117

92 - 3116 - 618

To: SAC, Milwaukee - Enc. (2)

From: Director, FBI

FRANK PETER BALISTRIERI
ANTI-RACKETEERING

In connection with the civil suits filed in the above matter, there are enclosed for your information copies of a self-explanatory memorandum from the Department dated 11/7/69 requesting that the Balistrieri case Agent be available for consultation with Departmental Attorney [redacted] 11/17-18/69 in Milwaukee. In addition, the Department desires that the library or morgue files of Milwaukee local newspapers be reviewed for all articles pertinent to the plaintiffs and that these articles be available by 11/17/69.

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b7C

In accordance with Department's request, the Agent should be available and the requested review should be conducted as indicated.

1 - Springfield - Enc. (2) (for info)

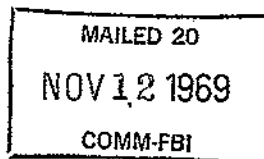
NOTE: Milwaukee hoodlum Balistrieri and his attorney, Dominic Frinzi, and his secretary-paramour, [redacted] have filed civil suits against three former Agents, one currently employed Agent, the Wisconsin Telephone Company and several of its employees seeking damages based on the installation of Bureau microphones on the plaintiffs.

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b7C

JGL:jfp

(5)

Tolson _____
DeLoach _____
Walters _____
Mohr _____
Bishop _____
Casper _____
Callahan _____
Conrad _____
Felt _____
Gale _____
Rosen _____
Sullivan _____
Tavel _____
Soyars _____
Tele. Room _____
Ingram _____



MAIL ROOM ☐ TELETYPE UNIT ☐

NOV 19 1969

1529

UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

Memorandum

Mr. Tolson ✓
Mr. DeLoach
Mr. Walters
Mr. Mohr
Mr. Bishop
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Soyars
Tele. Room
Miss Holmes
Miss Gandy

TO : Mr. J. Edgar Hoover
Director
Federal Bureau of Investigation

FROM : William D. Ruckelshaus
Assistant Attorney General
Civil Division

DATE: NOV 7 1969

WDR:NRP:hr
145-12-1369
145-12-1362
145-12-1368

SUBJECT: Frank P. Balistrieri v. John A. Holzman, et al.;
Dominic H. Frinzi v. John A. Holzman, et al.;
[redacted] v. John A. Holzman, et al., Milwaukee County Circuit Court,
Milwaukee, Wisconsin

We have been advised informally that the depositions of each of the plaintiffs in the above actions have been scheduled by the Wisconsin Telephone Company, and that notices for the depositions have been served on the plaintiffs. The Balistrieri deposition is set for November 19, [redacted] for November 20, and Frinzi for November 21.

[redacted] of this office will be appearing at the depositions. In order that he may be fully prepared to participate in the depositions, we request that the present Balistrieri case agent in the Milwaukee Field Office be available for consultation with [redacted] on November 17 and 18 in Milwaukee.

We also request that the Milwaukee Field Office review the library or morgue files of the local newspapers pertaining to all three plaintiffs, and that copies of all articles pertinent to the plaintiffs be obtained by November 17, 1969. As an exception thereto, we have no interest in any articles pertaining to Mr. Frinzi's campaign for governor which do not additionally reflect any involvement by him or his firm or his associates with any criminal or racketeering elements.

Thank you for your cooperation and assistance.

EXP. PROC.
31 NOV 6 1969

Letter to Mr. SI
11-13-69
JGL:jhp

5 NOV 7 1969

PER. REC. UNIT

COPY SENT TO MR. TOLSON

11/14/69
FBI WASH DC

CST
FBI MILWAUK

5:40 PM URGENT 11/7/69 TJL

TO: DIRECTOR (92-3116)

FROM: MILWAUKEE (94-316) (P)

FRANK PETER BALISTRIERI. AR. OO: MI

ON [REDACTED]

b7D

ADVISED HE HAD RECEIVED INFORMATION THAT FRANK BALISTRIERI

[REDACTED]

UNDERSTOOD

b7D

THIS INFORMATION FURNISHED TO REPRESENTATIVE STATE ATTORNEY
GENERAL'S OFFICE, SEPTEMBER TWENTYSIX LAST BY MILWAUKEE
OFFICE.

CURRENT EDITION OF THE "MILWAUKEE SENTINEL" CONTAINED
LENGTHY ARTICLE, INCLUDING PHOTOGRAPHS, WHICH INDICATED THE
BUILDING INSPECTOR'S OFFICE ORDERED A HALT TO REMODELING
END PAGE ONE.

REC-117 92 - 3116 - 619

NOV 11 1969

Mr. Tolson
Mr. DeLoach
Mr. Walters
Mr. Mohr
Mr. Bishop
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

67 NOV 19 1969 396

PAGE TWO.

WORK ON THIS BUILDING. ARTICLE POINTED OUT BUILDING

b6
b7C

[REDACTED] WHO WAS DESCRIBED
AS FRANK BALISTRIERI [REDACTED] BALISTRIERI'S
BUSINESS OPERATIONS.

A CITY LIQUOR LICENSE WAS ISSUED FOR THIS
LOCATION ON MAY ONE LAST IN THE NAME OF DOMINIC GULLO, KNOWN
MILWAUKEE LCN MEMBER. IN LIQUOR APPLICATION GULLO STATED
HE HAD LEASED BUILDING, WHILE BUILDING OWNER, WHEN
INTERVIEWED, INDICATED BUILDING HAD BEEN LEASED BY

b6
b7C

[REDACTED] GULLO DENIED BALISTRIERI HAD ANY INTEREST IN
PROPOSED LIQUOR STORE, BUT ADMITTED KNOWING BALISTRIERI.
INFORMATION FURNISHED MILWAUKEE BUILDING INSPECTORS BY
STATE AG'S OFFICE.

CITY BUILDING INSPECTORS OFFICE ADVISED THAT
NEITHER OCCUPANCY PERMIT OF BUILDING PERMIT FOR THE
REMODELING WOULD BE APPROVED.

END PAGE TWO.

PAGE THREE.

GULLO WAS REPRESENTED BY MILWAUKEE HOODLUM ATTORNEY
DOMINIC FRINZI IN THE HEARING FOR HIS LIQUOR LICENSE.

IT APPEARS THIS ACTION ANOTHER GOOD
EXAMPLE OF BALISTRIERI'S ATTEMPT TO SECURE ADDITIONAL
LEGITIMATE BUSINESS WITHOUT BENEFIT PROPER LICENSE
APPLICATION AND THAT IMMEDIATE DISSEMINATION OF INFORMATION BY
MILWAUKEE DIVISION HAS RESULTED IN BALISTRIERI BEING FRUSTRATED IN THIS
ATTEMPT. FURTHER DEVELOPMENTS IN THIS MATTER WILL BE REPORTED TO THE
BUREAU AS THEY OCCUR.

END.

~~CORRECTIONS FIRST PAGE FIRST PARAGRAPH~~ [REDACTED]

b7D

[REDACTED] ~~SECOND PAGE FIRST PARAGRAPH EIGHTH LINE~~
~~FIRST TWO WORDS SHOULD BE INFORMATION FURNISHED.~~

END.

CAH

FBI WASH DC

CC: MR. GALE

FBI WASH DC

FBI MILWAUK

754PM URGENT 11/13/69 WWM

TO : DIRECTOR (92-3116)

FROM: MILWAUKEE (94-316)

FRANK PETER BALISTRIERI, AKA AR, OO: MILWAUKEE

REMYTELS SEPTEMBER ELEVEN, SIXTEEN LAST.

CONTINUING PRESSURE BEING EXERTED AGAINST BALISTRIERI'S
MILWAUKEE NIGHTCLUB OPERATIONS BY STATE ATTORNEY GENERAL'S
OFFICE RESULTED IN SUBJECT [REDACTED]
RECEIVING SIXTY DAY JAIL SENTENCE AND COURT COST FINE FOR
CONTEMPT CHARGES IN MILWAUKEE COUNTY CIRCUIT COURT NOVEMBER
EIGHTEEN LAST.

[REDACTED] LISTED AS [REDACTED] OF
BALS INC. OPERATORS OF "THE SCENE", ONE OF BALISTRIERI'S
NIGHTCLUBS, WAS ORDERED TO PRODUCE BUSINESS RECORDS IN COURT
FOR EXAMINATION BY STATE TAX AGENTS. HE WAS CITED FOR CONTEMPT
AFTER PRODUCING INCOMPLETE RECORDS AND SHOWING PATTERN OF
EVASIVE ANSWERS TO SIMPLE QUESTIONS.

DISSEMINATION OF INFORMATION REGARDING CORPORATE SETUP OF
BALISTRIERI'S OPERATIONS BY MILWAUKEE TO STATE AG'S OFFICE IS
END PAGE ONE

REC-117

92-3116-620

NOV 16 1969

NOV 16 1969

Mr. Tolson	
Mr. DeLoach	
Mr. Mohr	
Mr. Bishop	
Mr. Casper	
Mr. Callahan	
Mr. Conrad	
Mr. Felt	
Mr. Gale	
Mr. Rosen	
Mr. Sullivan	
Mr. Tavel	
Mr. Trotter	
Tele. Room	
Miss Holmes	
Miss Gandy	

Stafford
[Signature]

b6
b7c

395

67 NOV 19 1969

PAGE TWO

ENABLING THEM TO CONTINUE PENETRATIVE INQUIRIES INTO MANY
VIOLATIONS OF STATE CORPORATION AND LIQUOR LAWS.

END

DCW

FBI WASH DC

P

CC: MR. GALE

FBI WASH DC

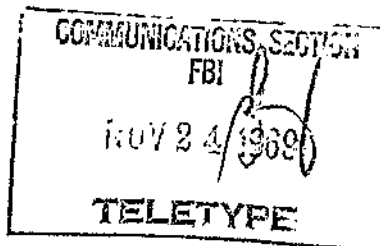
FBI MILWAUK

615PM URGENT 11/24/69 LRK

TO: DIRECTOR

FROM: MILWAUKEE (94-319)

FRANK PETER BALISTRIERI; AR.



Mr. Tolson
Mr. DeLoach
Mr. Mohr
Mr. Bishop
Mr. Casper
Mr. Callahan
Mr. Conrad
Mr. Felt
Mr. Gale
Mr. Rosen
Mr. Sullivan
Mr. Tavel
Mr. Trotter
Tele. Room
Miss Holmes
Miss Gandy

ON BASIS OF INFORMATION FURNISHED MILWAUKEE PD BY
MILWAUKEE OFFICE ANGELO DIGIORGIO, CLOSE ASSOCIATE OF
FRANK BALISTRIERI, WAS ARRESTED BY MI PD AT HIS RESIDENCE
ELEVEN TWENTYTHREE LAST AND CHARGED WITH COMMERCIAL GAMBLING.
SEIZED AT TIME OF ARREST WERE NUMEROUS BOOKING SLIPS AND
GAMBLING PARAPHERNALIA. VICE OFFICERS SAID ELEVEN
TWENTYFOUR INSTANTLY THEY WERE GOING TO OBTAIN A SECOND COUNT
OF COMMERCIAL GAMBLING AGAINST DI GIORGIO BASED ON EVIDENCE
SEIZED. CONSIDERABLE NEW PUBLICITY TYING DIGIORGIO IN
WITH BALISTRIERI NOTED. AS BUREAU IS AWARE BALISTRIERI IS THE
HEAD OF THE LCN GROUP IN MILWAUKEE AND DI GIORGIO IS ONE
OF HIS LIERTENANTS.

INFORMATION REGARDING DI GIORGIO'S GAMBLING ACTIVITIES

FURNISHED BY [REDACTED]

END

CAH CC: MR. GALE

FBI WASH DC 1969

EX-106
REC-10

92-3116-621

NOV 25 1969

b7D

The Attorney General

December 1, 1969

REC-58
Director, FBI

92-3116-622

1 - Mr. DeLoach
1 - Mr. Gale
1 - Mr. Staffeld
1 - Mr. Leggett

FRANK PETER BALISTRIERI
ANTI-RACKETEERING

EX-102

Informants of our Milwaukee office have advised that the recent arrests on successive days of bookmakers Angelo DiGiorgio and Frank Leo Sansone, both of Milwaukee, and [redacted] of Las Vegas, have had an adverse financial impact on Frank Peter Balistrieri, who received a part of proceeds of the bookmaking operations of these individuals.

[redacted] DiGiorgio was arrested on November 23, 1969, by the Milwaukee Police Department and charged with commercial gambling in violation of local statutes. Frank Leo Sansone was arrested in Milwaukee, November 24, 1969 [redacted]

[redacted] was arrested in Las Vegas, Nevada, November 25, 1969, both by Special Agents of this Bureau, and charged with a violation of Federal gambling statutes.

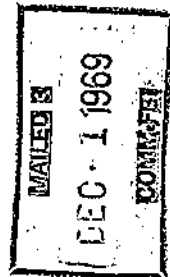
Balistrieri is La Cosa Nostra leader of Milwaukee, who recently filed a damage suit for \$1,750,000 against the Wisconsin Telephone Company and several of its employees together with three retired former Agents of this Bureau and one currently employed Special Agent of the FBI. This is based on the maintenance of an FBI electronic surveillance on his place of business, which was disclosed in 1966 during a Federal Income Tax violation prosecution of Balistrieri. Details have previously been furnished to the Department.

DiGiorgio, who holds the liquor license for the King's Four Club, a tavern operated by Balistrieri, now faces the possible loss of this license because of his recent arrest. In addition, it has been reported that Joseph Enea, a bartender in a nightclub operated by Balistrieri, was charged on November 24, 1969, with two counts of battery after he had tried to force customers to testify on his behalf in a case involving the arrest of a juvenile at the nightclub.

JGL:rad
(9)

DEC 5 1969

MAIL ROOM ☐ TELETYPE UNIT ☐



Tolson _____
DeLoach _____
Walters _____
Mohr _____
Bishop _____
Casper _____
Callahan _____
Conrad _____
Felt _____
Gale _____
Rosen _____
Sullivan _____
Tavel _____
Soyars _____
Tele. Room _____
Holmes _____

The Attorney General

Our Milwaukee office has reported that the pressure now being exerted against the racketeering element by local, state, and FBI representatives, has never been greater in the history of the hoodlum element there. This pressure and the resultant adverse publicity have caused older members of Milwaukee's La Cosa Nostra "family" to be outspokenly critical of Balistreri's leadership in what appears to be an effort to force him to vacate his position as the head of this group.

I thought you would be interested in this further development concerning our continuing efforts to curb organized crime activities.

- 1 - The Deputy Attorney General
- 1 - Assistant Attorney General
Criminal Division

VIA TELETYPE

Mr. Tolson	✓
Mr. DeLoach	✓
Mr. Walters	✓
Mr. Mohr	✓
Mr. Bishop	✓
Mr. Casper	✓
Mr. Callahan	✓
Mr. Conrad	✓
Mr. Felt	✓
Mr. Gale	✓
Mr. Rosen	✓
Mr. Sullivan	✓
Mr. Tavel	✓
Mr. Soyars	✓
Tele. Room	✓
Miss Holmes	✓
Miss Gandy	✓

9:08 PM URGENT 11-26-69 LRK

TO DIRECTOR

FROM MILWAUKEE

PARAPHRASE IF DISSEMINATED

ANTIRACKETEERING

FRANK PETER BALISTRIERI; AR; OO: MILWAUKEE.

MILWAUKEE [] INFORMANTS ADVISED [] RECENT ARRESTS ON

[] KNOWN BOOKMAKERS, ANGELO DI GIORGIO, BY LOCAL

AUTHORITIES []

AND FRANK LEO SANSONE [] BY BUREAU AGENTS, HAS STRUCK
FRANK BALISTRIERI IN THE "POCKET BOOK," AS BALISTRIERI HAS
RECEIVED CUT OF THESE BOOKMAKING OPERATIONS.

DI GIORGIO, WHO HOLDS LIQUOR LICENSE FOR BALISTRIERI'S
KING'S FOUR CLUB, FACES POSSIBLE LOSS OF LICENSE DUE TO RECENT
ARREST.

BARTENDERS

JOSEPH ENEA, ONE OF BALISTRIERI'S WHO RUNS ANOTHER NIGHTCLUB,
THE SCENE, WAS CHARGED WITH TWO COUNTS OF BATTERY ON CUSTOMERS
NOVEMBER TWENTY FOUR LAST, AFTER HE TRIED TO FORCE THEM TO TESTIFY
ON HIS BEHALF IN A CASE INVOLVING THE ARREST RECENTLY OF A JUVENILE
WHILE IN POSSESSION OF NARCOTICS AT THE NIGHTCLUB.

REC- 58

92 - 3116 - 622
1 DEC 3 1969

*Let to 116
12/1/69
3641 nml*

PAGE TWO

[REDACTED] FURTHER REPORT PRESSURE BEING EXERTED BY LOCAL, STATE AND FBI AUTHORITIES HAS NEVER BEEN GREATER IN THE HISTORY OF THE HOODLUM ELEMENT IN MILWAUKEE. THIS PRESSURE AND ADVERSE PUBLICITY REGARDING BALISTRIERI'S OPERATIONS [REDACTED]

b7D

BALISTRIERI'S WHEREABOUTS DURING PAST TEN DAYS UNKNOWN TO

[REDACTED] IT IS EVIDENT THAT HIS CONFINEMENT IN A LOCAL HOSPITAL AS PREVIOUSLY FURNISHED BUREAU HAS NOT BEEN MADE KNOWN TO HOODLUM ELEMENT IN MILWAUKEE.

BUREAU WILL BE ADVISED OF FURTHER DEVELOPMENTS.

RECEIVED: 10:31 PM RNK

✓ WBS
Admire a.g.
A J

CC: MR. GALE

UNITED STATES GOVERNMENT

Memorandum

TO : Mr. Gale

FROM : A. A. Staffeld, Jr.

SUBJECT: FRANK PETER BALISTRIERI
ANTI-RACKETEERING

DATE: 11/18/69

Tolson ☒
DeLoach ☒
Walters ☒
Mohr ☒
Bishop ☒
Casper ☒
Callahan ☒
Conrad ☒
Felt ☒
Gale ☒
Rosen ☒
Sullivan ☒
Tavel ☒
Trotter ☒
Tele. Room ☒
Holmes ☒
Gandy ☒

With respect to the civil suit filed by Milwaukee La Cosa Nostra boss Balistrieri, his girl friend [redacted] and Milwaukee hoodlum attorney Frinzi against three former Agents and one present Agent, as well as against the Telephone Company, it has been ascertained that the Telephone Company expects to depose Balistrieri, [redacted] and Frinzi on November 19, 20, and 21, 1969, in Milwaukee, Wisconsin. It is expected that the plaintiffs will note the defendants for depositions at a later date in this civil suit which seeks a total of more than three million dollars damages for microphones placed on the premises of the three plaintiffs early in the 1960's.

Deputy Assistant Attorney General Carl Eardley called this date to advise that the press had sought permission to be present during the course of the taking of depositions by the Telephone Company from the plaintiffs. In view of the fact ex-Agents and an individual who is presently employed as an Agent of the FBI are parties defendant, Eardley desired to know whether the Bureau interposed any objection to the press being present while the plaintiffs were being deposed. Eardley pointed out that there might be some drawbacks to expressing any opposition to the press being present as this might precipitate speculation in the press as to why tight secrecy was being enforced when, in fact, the installation and maintenance of these microphones had been fully revealed during the income tax prosecution of Balistrieri. Eardley was, therefore, of the opinion that it would be better to make no objection to the presence of the press.

After discussing the matter with you (Mr. Gale) and with Mr. DeLoach, it was considered inadvisable to be in a position where the Bureau restricted the availability of the press. In view of the foregoing, Mr. Eardley was advised that

- 1 - Mr. Gale
- 1 - Mr. Staffeld
- 1 - Mr. Leggett

AAS:mfd (4)

REC 13
EX-117

92-3116-623
10 DEC 4 1969

CONTINUED - OVER

DEC 10 1969

Memorandum to Mr. Gale
Re: FRANK PETER BALISTRIERI

we would defer to the judgment of the Department on the matter of whether the press should be permitted to be present during the time when the plaintiffs were being deposed in this civil action.

ACTION:

None. This is for information purposes.



SPECIAL INVESTIGATIVE DIVISION

November 19, 1969

In connection with the civil suits recently filed in Milwaukee against the Wisconsin Telephone Co. its employees, former Bureau Agents and one current Agent the depositions scheduled to be taken from the plaintiffs Dominic Frinzi, Frank Peter Balistrieri and [redacted] [redacted] on Nov. 19, 20 and 21, 1969 have been postponed to December 2, 3 and 4 next because Balistrieri is confined to hospital after automobile accident. b6
b7C

Milwaukee will ascertain details of accident and will closely follow developments and keep Bureau advised.

JGL

D *JH2* *✓* *W* *JH*

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

NOV 18 1969

TELETYPE

FBI WASH DC

FBI MILWAUK

622PM URGENT 11/18/69 LRK

TO: DIRECTOR, FBI

FROM: MILWAUKEE (66-950)

ANTIRACKETEERING

FRANK PETER BALISTRIERI; AR.

[REDACTED] ATTORNEY FOR WISCONSIN TELEPHONE
COMPANY WAS TELEPHONICALLY ADVISED BY JOSEPH P.
BALISTRIERI THAT SUBJECT WOULD NOT BE AVAILABLE FOR DEPOSITION
HEARING SCHEDULED FOR NOVEMBER NINETEEN NEXT AS HE WAS
CONFINED TO HOSPITAL AFTER AUTOMOBILE ACCIDENT.

[REDACTED] AND DEPARTMENTAL ATTORNEY [REDACTED]
[REDACTED] DRAFTED STIPULATION TO POSTPONE DEPOSITION HEARINGS FOR
BALISTRIERI AND [REDACTED] TO DATE AND PLACE TO BE AGREED
BY ALL PARTIES OR A DATE AND PLACE TO BE SET BY LETTER FROM
[REDACTED] TO PLAINTIFFS. STIPULATION EXTENDED COMPLAINT
ANSWERING DATES TO SEVEN DAYS AFTER DEPOSITIONS ARE TAKEN.
STIPULATION FURTHER INDICATES NOTICES OF DEPOSITIONS AND SUB-
POENAS DUCES TECUM WILL CONTINUE IN FULL UNTIL NEW DEPOSITION
END PAGE ONE

Mr. Tolson	
Mr. DeLoach	
Mr. Walters	
Mr. Mohr	
Mr. Bishop	
Mr. Casper	
Mr. Callahan	
Mr. Conrad	
Mr. Felt	
Mr. Gale	
Mr. Rosen	
Mr. Sullivan	
Mr. Tavel	
Mr. Trotter	
Tele. Room	
Miss Holmes	
Miss Gandy	

REC-33

92-3116-624

10 DEC 4 1969

DEC 2 1969

PAGE TWO

MI 66-950

DATE.

[] THEN ATTEMPTED TO CONTACT [] ATTORNEY
FOR FRINZI AND WAS ADVISED FRINZI WOULD AGREE TO DECEMBER
FOUR NEXT AS DEPOSITION DATE.

[] EXPLAINED DESIRE TO TAKE DEPOSITIONS FROM BALISTRIERI
FIRST TO BE FOLLOWED BY [] AND FRINZI. THEREFORE NEW
DEPOSITION DATES SET FOR DECEMBER TWO, THREE, FOUR, NEXT
FOR BALISTRIERI, [] AND FRINZI RESPECTIVELY.

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b7c

ABOVE STIPULATION SIGNED BY JOSEPH O. BALISTRIERI TODAY
AND WILL BE FILED WITH USDC CLERKS OFFICE NOVEMBER NINETEEN
NEXT.

^{P.}
JOSEPH BALISTRIERI REQUESTED PRESS ¹NOT BE ADVISED OF SUBJECTS
HOSPITALIZATION.

[] SAID PRESS WOULD NOT ~~NOT~~ HAVE KNOWLEDGE OF NEW
DEPOSITION DATES AS STIPULATION DOES NOT REQUIRE ADDITIONAL
SERVICE AND THUS MAY PRECLUDE PRESS FROM ATTENDING THESE
HEARINGS.

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b7c

MILWAUKEE WILL DESCREETLY ATTEMPT TO ASCERTAIN DETAILS OF
SUBJECTS AUTOMOBILE ACCIDENT.

END—

~~XCORRECT-THIRD PAR OF THIS PAGE FIRST LINE NAME SHD
BE JOSEPH P. BLAISXXXXXBALISTRIERXXXXXBALISTRIERI.~~

END

ERT

FBI WASH DC

TU\

Up

FBI WASH DC

239PM URGENT 12-20-69 JMH

TO: DIRECTOR

FROM: MILWAUKEE (94-316)

FRANK PETER BALISTRIERI, AR, OO: MILWAUKEE.

SUBJECT'S BROTHER, PETER FRANK BALISTRIERI, [REDACTED]

[REDACTED]
SUBJECT'S BOOKKEEPER, WERE ARRESTED LATE DECEMBER ONE NINE
LAST, ON STATE SALES TAX FRAUD CHARGES.

WARRANTS ISSUED YESTERDAY BY STATE DEPARTMENT OF
REVENUE CHARGED EACH AS OPERATORS OF BAL'S INC., A CORP.
OPERATING "THE SCENE", ONE OF SUBJECT'S MILWAUKEE NIGHT
CLUBS, WITH THREE SEVEN COUNTS OF FILING FRAUDULENT STATE
SALES TAX RETURNS. ALL WERE RELEASED ON TWO HUNDRED FIFTY
DOLLAR BOND, AFTER ARRAIGNMENT IN LOCAL COURT.

ARRESTS RECEIVING EXTENSIVE COVERAGE THROUGH NEWS
RADIO AND TELEVISION.

AS BUREAU IS AWARE, [REDACTED] IS ONE OF THREE
PLAINTIFFS WHO RECENTLY FILED DAMAGE SUITS AGAINST EX-BUREAU
AGENTS AND TELEPHONE COMPANY FOR PAST ELECTRONIC SURVEILLANCE
ACTIVITIES.

END PAGE ONE

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

DEC 20 1969

TELETYPE

Mr. Tolson	_____
Mr. DeLoach	_____
Mr. Mohr	_____
Mr. Bishop	_____
Mr. Casper	_____
Mr. Callahan	_____
Mr. Conrad	_____
Mr. Felt	_____
Mr. Gale	_____
Mr. Rosen	_____
Mr. Sullivan	_____
Mr. Tavel	_____
Mr. Soyars	_____
Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

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b7c

EX-105
REC-41

92-3116-626

DEC 23 1969

2 BCT

PAGE TWO

BUREAU WILL BE ADVISED OF FURTHER DEVELOPMENTS.

END

~~CORRECTION PG ONE LINE SIX THIRD WORD SHD BE EACH~~

END

UJM

FBI WASH DC

T

U

COMMUNICATIONS SECTION
FBI

DEC 11 1969

TELETYPE

Mr. Tolson ☒
Mr. DeLoach ☒
Mr. Walters ☒
Mr. Mohr ☒
Mr. Bishop ☒
Mr. Casper ☒
Mr. Callahan ☒
Mr. Conrad ☒
Mr. Felt ☒
Mr. Gale ☒
Mr. Rosen ☒
Mr. Sullivan ☒
Mr. Tavel ☒
Mr. Soyars ☒
Tele. Room ☒
Miss Holmes ☒
Miss Gandy ☒

FBI WASH DC

FBI MILWAUK

433PM URGENT 12/11/69 MAB

TO: DIRECTOR (92-3116)

FROM: MILWAUKEE (94-316) (P) 2P

FRANK PETER BALISTRIERI, AKA; AR; OO: MILWAUKEE

MILWAUKEE [REDACTED] INFORMANT ADVISED [REDACTED]

[REDACTED] BALISTRIERI, BOSS OF MILWAUKEE LCN FAMILY.

BALISTRIERI [REDACTED]

[REDACTED] STATES [REDACTED]

END PAGE ONE P.

DEC 21 1969

9 DEC 1969

[REDACTED] WHERE BALISTRIERI [REDACTED]
[REDACTED]

b7D

END

CAH

FBI WASH DC

CC: MR. GALE

FBI

Date: 12/16/69

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL AIRMAIL
(Priority)TO : DIRECTOR, FBI (92-3116)
ATTENTION AL STAFFELD, ROOM 1529

FROM : SAC, MILWAUKEE (66-950) (P)

SUBJECT: FRANK PETER BALISTRIERI
AR

OO: MILWAUKEE

Re Bureau airtel to Milwaukee, 11/12/69.

Enclosed for the Bureau are the following items:

A) Xerox copy of papers concerning Milwaukee
County Circuit Court Case Number 371263, involving [redacted]
[redacted] Plaintiff, vs Dominic Frinzi, Defendant."B) Xerox copy of Case Number C-4926, involving
"Trade Winds, Inc., Plaintiff, vs [redacted] Defendant."C) Xerox copy of Case Number 4927, involving
"Trade Winds, Inc., Plaintiff, vs [redacted] Defendant,
and Holiday House, Inc., Garnishee Defendant."D) Packet of Xerox copies of newspaper articles
from "The Milwaukee Journal," and the "Milwaukee Sentinel"
morgues regarding FRANK PETER BALISTRIERI, [redacted]
and DOMINIC FRINZI.

3 - Bureau (92-3116) (Encls. 4) ENCL-51096

5 - Milwaukee (2-66-950)

(1-94-316-Sub 2)

(1-92-222-Sub 2)

DEB/kdb
(8)

REC-15

3 DEC 18 1969

Approved: *it*

Sent _____ M Per _____

Special Agent in Charge

FBI Jan 15 1970

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MI 66-950

The above enclosures were discussed with Departmental Attorney [redacted] when he was recently in Milwaukee, and he requested copies of this documents be sent to him.

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The Bureau is requested to forward the above enclosures to [redacted] XEROX OF ENCLOSURE 2/20/66
COPIES OF THE ABOVE ENCLOSURES ARE BEING MAINTAINED
in the Milwaukee files.

F B I

Date: 12/16/69

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL AIR MAIL REGISTERED
(Priority)

TO : DIRECTOR, FBI (92-3116)
Attn: AL STAFFELD, Room 1529
FROM : SAC, MILWAUKEE (66-950)
SUBJECT: FRANK PETER BALISTRIERI
AR

Enclosed for Bureau are the following documents:

A. B. C. Zerox copy of subpoena for for
adverse hearing.D. Zerox copy of subpoena for FRANK PETER BALISTRIERI
for adverse hearing.E. Zerox copy of subpoena for DOMINIC FRINZI for
adverse hearing.Copies of these documents are being maintained in
Milwaukee files.

DAVID J. CANNON, USA, Milwaukee, advised on 12/15/69
no date has been set for adverse hearings for BALISTRIERI,
and FRINZI. He believed these hearings would be scheduled during
January, 1970.

(3) - Bureau (Encs. 5) (AM, RM)

4 - Milwaukee (1-66-950)

(1-94-316 Sub 2)

(1-92-222 Sub 2)

DEB:EAK
(7)

ENCLOSURE

EX-100
REC 12 92-3116 628
DEC 13 1969

ed: 62

Special Agent in Charge

Sent 10

M

Per NONEb6
b7C
b7Db6
b7C

ENCLOSURES TO BUREAU (5)
ATTN: AL STAFFELD, RM 1529
Bufile 92-3116; MI 66-950
Miairtel 12/16/69



628

ENCLOSURE

United States District Court

FOR THE

EASTERN DISTRICT OF WISCONSIN

CIVIL ACTION FILE No. 69-C-512

DOMINIC H. FRINZI,
Plaintiff,
vs.
JOHN A. HOLTZMAN, ET AL.,
Defendants.

TO Dominic H. Frinzi
161 West Wisconsin Avenue or 2466 North Oakland Avenue
Milwaukee, Wisconsin 53203 Milwaukee, Wisconsin 53202

YOU ARE COMMANDED to appear at the office of [redacted] in the city of Milwaukee
Room 1500, 735 North Water Street, on the 21st day November, 19 69, at 9:00 o'clock A. M. to testify
on behalf of the adverse party to-wit: the defendant, Wisconsin Telephone Company
at the taking of a deposition in the above entitled action pending in the United States District Court
for the Eastern District of Wisconsin and bring with you'

All that contained and set forth
within the attached Exhibit A
which is made a part hereof.

Dated November 12, 19 69

[redacted]
Attorney for Defendants.
735 North Water Street
Address

RUTH W. LA FAVE
Clerk.
By B. Michaelson
Deputy Clerk.

1. Strike the words "and bring with you" unless the subpoena is to require the production of documents or tangible things, in which case the documents and things should be designated in the blank space provided for that purpose.

RETURN ON SERVICE

Received this subpoena at _____ on _____
and on _____ at _____
served it on the within named _____
by delivering a copy to h _____ and tendering to h _____ the fee for one day's attendance and the mileage
allowed by law.*
Dated: _____

Service Fees

Travel _____ \$ _____
Services _____

Total _____ \$ _____

Subscribed and sworn to before me, a
day of _____ 19 _____

this

* Fees and mileage need not be tendered to the witness upon service of a subpoena issued in behalf of the United States or an officer or agency thereof. 28 USC 1825.

Note.—Affidavit required only if service is made by a person other than a United States Marshal or his deputy.

EXHIBIT A

1. All originals if available, and if not then copies, of all leases and/or other agreements for occupancy under which you leased or otherwise held or occupied rooms 7144, 7148 and 7150 and any other rooms at 161 West Wisconsin Avenue, Milwaukee, Wisconsin, for the entire time period or periods of such leases or occupancy.

2. All originals if available, and if not then copies, of all agreements and/or memoranda of agreements of partnership or other association, shared income, shared expense, compensation and any other agreements between you and Attorneys [redacted] Edward F. Neubecker, [redacted] and any other attorney, or any of them, which were in effect at any time during your occupancy of the premises described in paragraph 1 above.

3. All originals if available, and if not then copies, of all subleases, other agreements and/or memoranda of agreements between you or any partnership or other association in which you had an interest [redacted] [redacted] or any others relating to the occupancy by them of all or part of the premises described in paragraph 1 above, and otherwise leased, held or occupied by you or such partnership or other association at any time.

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4. All originals if available, and if not then copies, of all records which indicate pay or other disbursements to employees and/or other agents made by you or any partnership or other association in which you had an interest, including the names and addresses of all such employees and agents from January 1, 1963 to the date of receipt of this subpoena.

5. All microphone(s), wire(s), cable(s) and any other equipment or devices alleged by you in your complaint to have been installed in the premises described in paragraph 1 above and which are presently in your possession, under your control or otherwise available to you.

6. All sketches, diagrams, photographs, notes, memoranda, writings, documents or other written indicia, however termed, which portray, describe or otherwise relate to microphone(s), wire(s), cable(s) and any other equipment and/or devices and the alleged installation thereof in or upon the premises described in paragraph 1 above and which are presently in your possession, under your control, or otherwise available to you.

7. All originals, if available, and if not then copies, of all correspondence, memoranda, notes, writings, invoices, statements, reports, records of payment, cancelled checks or other written indicia, however termed, which relate to the detection, inspection, examination and/or removal of

all or any microphone(s), wire(s), cable(s) and any other equipment and/or devices alleged by you in your complaint to have been installed in, upon or adjacent to the premises described in paragraph 1 above.

8. All originals if available, and if not then copies, of all records, documents, writings, memoranda, physical evidence and/or other data which tend to support or evidence each of the allegations contained in paragraphs 10, 11 and 12 of your complaint.

9. All originals, if available, and if not then copies of any and all appointment books, desk books, day books, calendars or other such records kept by you or on your behalf and covering the years 1963, and 1964 and indicating your work schedule for those years.

10. All originals if available, and if not then copies, of any and all logs, records, memoranda, notes, correspondence, other written indicia, however termed, and/or recordings which relate to conversations alleged by you in your complaint to have been overheard on the premises described in paragraph 1 above or to the names of persons with whom such conversations were held, made at any time and obtained from any source, and which are presently in your possession, under your control or otherwise available to you.

11. Copies of your personal individual federal and Wisconsin state income tax returns with all attached schedules filed for years 1959 through 1968 inclusive.

12. Copies of partnership federal and Wisconsin state income tax returns with all attached schedules filed by any partnership in which you had an interest for years from and including 1959 through and including 1968.

13. All originals if available, and if not then copies, of any and all financial records, including but not limited to general ledgers, books of account, receipts and disbursements, profit and loss, and net worth for the years from and including 1959 through and including 1968 which relate to you personally or to any partnership or other association in which you had an interest.

14. Copies of all newspaper articles referred to in paragraph 13 of your complaint.

15. All originals if available, and if not then copies, of all correspondence, memoranda, notes, writings, statements, reports or other written indicia, however termed, which relate to alleged humiliation, ridicule and embarrassment referred to in paragraph 14 of your complaint.

16. Records indicating the time period or periods during which you represented Frank Peter Balistrieri, William Covelli, and or any of them and indicating any conversations, conferences or communications with any of them claimed to have been overheard by unauthorized persons.

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17. Copies of all affidavits, transcripts or statements prepared by or for you for any purpose in regard

15. All originals if available, and if not then copies, of any and all logs, records, memoranda, notes, correspondence, other written indicia, however termed, and/or recordings which relate to conversations alleged by you in your complaint to have been overheard on the premises described in paragraph 1 above or to the names of persons with whom such conversations were held, made at any time and obtained from any source, and which are presently in your possession, under your control or otherwise available to you.

16. All originals if available, and if not then copies, of all correspondence, memoranda, notes, writings, statements, reports or other written indicia, however termed, which relate to alleged deprivation of the peaceful and lawful use of the premises described in paragraph 1 above and to the interference with the carrying on of your business referred to in paragraph XII of your complaint.

17. Copies of all affidavits, transcripts or statements prepared by or for you for any purpose in regard to matters alleged in your complaint and which tend to evidence or elaborate on the allegations contained therein.

18. All originals if available, and if not then copies, of any and all correspondence, memoranda, notes, writings, statements or other written indicia, however termed,

to matters alleged in your complaint and which tend to evidence or elaborate on the allegations contained therein.

18. All originals if available, and if not then copies, of any and all correspondence, memoranda, notes, writings, statements or other written indicia, however termed, received or transmitted by you or by others on your behalf from or to Bernard B. Spindel and their respective employers, employees and agents.

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19. All originals if available, and if not then copies, of any and all correspondence, memoranda, reports, affidavits, statements, records, notes, writings or other documents furnished to or received from any legislator of the State of Wisconsin or the United States, members of the staff or other employees of any such legislator, State of Wisconsin or United States legislative committees or subcommittees or members, employees, or employees of members thereof by you or by others on your behalf and which relate to any of the matters alleged in your complaint.

20. Copies of all press releases or other communications or notes of conversations or communications with news media prepared or issued by you or by others on your behalf at any time and which relate to any of the matters alleged in your complaint.

21. All originals if available, and if not then copies, of any and all correspondence, memoranda, reports,

affidavits, documents, notes, writings or other documents furnished to or received from the State Bar of Wisconsin, the Milwaukee Bar Association, the Milwaukee Junior Bar Association, the American Bar Association, and/or any committee, members of committees, officers, agents or other employees of any of them at any time by you or by others on your behalf and which relate to any of the matters alleged in your complaint.

22. All originals if available, and if not then copies, of any and all correspondence, memoranda, reports, affidavits, statements, records, notes, writings or other documents furnished to or received from any state, federal or local law enforcement agency, regulatory body, prosecuting attorney or any employee or agent of any such agency, body or attorney by you or by others on your behalf at any time and which relate to any of the matters alleged in your complaint.

23. Copies of any and all speeches or notes, memoranda or other writings used by you in making speeches or statements relating to any of the matters alleged in your complaint, including but not limited to speeches given to the following:

- a. Judiciary Legislative Committee of the Common Council of Milwaukee on or about December 5, 1966;
- b. Senate Judiciary Committee hearing on or about February 8, 1967;

- c. Assembly Judicial Committee hearing on
or about March 2, 1967;
- d. Milwaukee Junior Bar Association on or
about June 19, 1967;
- e. Milwaukee Bar Association on or about
January 29, 1968.

United States District Court

FOR THE

EASTERN DISTRICT OF WISCONSIN

CIVIL ACTION FILE NO. 69-C-511

[REDACTED]
Plaintiff,

vs.

JOHN A. HOLTZMAN, ET AL.,
Defendants.

TO

[REDACTED]
Milwaukee, Wisconsin [REDACTED]

YOU ARE COMMANDED to appear at the office of [REDACTED]
 Room 1500, 735 North Water Street, in the city of Milwaukee
 on the 20th day November, 19 69, at 9:00 o'clock A.M. to testify
 on behalf of the adverse party, to-wit: the defendant, Wisconsin
 Telephone Company
 at the taking of a deposition in the above entitled action pending in the United States District Court
 for the Eastern District of Wisconsin and bring with you¹

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All that contained and set forth
 within the attached Exhibit A
 which is made a part hereof.

Dated November 12, 1969

b6
b7C[REDACTED]
Attorney for Defendants

735 North Water Street

Address

RUTH W. LA FAVE

Clerk.

By

Deputy Clerk.

1. Strike the words "and bring with you" unless the subpoena is to require the production of documents or tangible things, in which case the documents and things should be designated in the blank space provided for that purpose.

RETURN ON SERVICE

Received this subpoena at
and on

at

on

served it on the within named

by delivering a copy to h and tendering to h the fee for one day's attendance and the mileage
allowed by law.*

Dated:

, 19

Service Fees

By

Travel \$

Services

Total \$

Subscribed and sworn to before me, a
day of 19

this

* Fees and mileage need not be tendered to the witness upon service of a subpoena issued in behalf of the United States or an officer or agency thereof. 28 USC 1825.

Note.—Affidavit required only if service is made by a person other than a United States Marshal or his deputy.

EXHIBIT A

1. All originals if available, and if not then copies, of all leases and/or other agreements for occupancy under which you leased or otherwise held or occupied the premises at [redacted] Milwaukee, Wisconsin, for the entire time period or periods of such leases or occupancy.

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2. All originals if available, and if not then copies, of all customer lists, customer contracts, price schedules, records of purchases and sales, inventories, advertising materials, applications for licenses, licenses, minutes or other records of management meetings, agreements with agents and/or other employees, correspondence with customers, agents and/or other employees, and Wisconsin Sales Tax Returns, all as related to Continental Music Sales for the years from and including 1959 through and including 1968.

3. All originals if available, and if not then copies, of all records which indicate pay or other disbursements to employees and/or other agents made by you, any partnership or other association in which you had an interest, or by any corporation in which you were an officer, director, employee or owner of 10% or more of any class of

*disclosed or
undisclosed*
*More than
1 act.*
*Showing
cashing
checks -
girls did
get all
money*

Balistrieri, Dominic H. Frinzi or any partnership, association or corporation in which either or both of them had an interest of 10% or more, or any others relating to the occupancy by them of all or part of the premises described in paragraph 1 above, and otherwise leased, held or occupied at any time by you or any partnership, other association or corporation in which you had an interest.

4. All originals if available, and if not then copies, of all records which indicate pay or other disbursements to employees and/or other agents made by you or any partnership or other association in which you had an interest, including the names and addresses of all such employees and agents from July 1, 1961 to the date of receipt of this subpoena.

5. All originals if available, and if not then copies, of any and all financial records, including but not limited to general ledgers, books of account, receipts and disbursements, profit and loss, and net worth for the years from and including 1959 through and including 1968 which relate to you personally and/or to any partnership or other association in which you had an interest and to any corporation in which you were an officer, director, employee or owner of 10% or more of any class of the capital stock.

6. Copies of your personal individual federal and Wisconsin state income tax returns with all attached schedules filed for years 1959 through 1968 inclusive.

7. Copies of partnership federal and Wisconsin state income tax returns with all attached schedules filed by any partnership in which you had an interest for years from and including 1959 through and including 1968.

8. Copies of corporation federal and Wisconsin state income tax returns with all attached schedules filed by any corporation in which you were an officer, director or owner of 10% or more of any class of the capital stock for years from and including 1959 through and including 1968.

9. All originals if available, and if not then copies, of the articles of incorporation for each corporation in which you have been an officer, director or owner of 10% or more of any class of the capital stock for years from and including 1959 through and including 1968, together with copies of all records submitted to the office of the Wisconsin Secretary of State which indicate the names, addresses and offices of all individuals who have served as officers or directors of such corporations, and any and all statements or other declarations filed pursuant to §134.17 of the Wisconsin Statutes.

10. All originals if available, and if not then copies, of articles or other agreements of partnership or association under which you had an interest at any time from and including 1959 through and including 1968, together with any and all records which indicate the identity of other partners and/or associates under such articles or other agreements.

11. All microphone(s), wire(s), cable(s) and any other equipment or devices alleged by you in your complaint to have been installed in the premises described in paragraph 1 above and which are presently in your possession, under your control or otherwise available to you.

12. All sketches, diagrams, photographs, notes, memoranda, writings, documents or other written indicia, however termed, which portray, describe or otherwise relate to microphone(s), wire(s), cable(s) and any other equipment and/or devices and the alleged installation thereof in or upon the premises described in paragraph 1 above and which are presently in your possession, under your control, or otherwise available to you.

13. All originals, if available, and if not then copies, of all correspondence, memoranda, notes, writings, invoices, statements, reports, records of payment, cancelled checks or other written indicia, however termed, which relate

to the detection, inspection, examination and/or removal of all or any microphone(s), wire(s), cable(s) and any other equipment and/or devices alleged by you in your complaint to have been installed in, upon or adjacent to the premises described in paragraph 1 above.

14. All originals if available, and if not then copies, of all records, documents, writings, memoranda, physical evidence and/or other data which tend to support or evidence each of the allegations contained in paragraphs X, XI, XII, XIII, XIV, XV and XVI of your complaint.

15. All originals, if available, and if not then copies of any and all appointment books, desk books, day books, calendars or other such records kept by you or on your behalf and covering the years from and including 1961 through and including 1964.

16. All originals if available, and if not then copies, of any and all logs, records, memoranda, notes, correspondence, other written indicia, however termed, and/or recordings which relate to conversations alleged by you in your complaint to have been overheard on the premises described in paragraph 1 above or to the names of persons with whom such conversations were held, made at any time and obtained from any source, and which are presently in your possession, under your control or otherwise available to you.

17. Copies of all newspaper or other articles which caused or occasioned the humiliation and shame allegedly suffered by you and referred to in paragraph XVI of your complaint.

18. All originals if available, and if not then copies of all correspondence, memoranda, notes, writings, statements, reports or other written indicia, however termed, which relate to alleged deprivation of the peaceful and lawful use of the premises described in paragraph 1 above and the humiliation and shame alleged and referred to in paragraph XV and XVI of your complaint.

19. Copies of all affidavits, transcripts or statements prepared by or for you for any purpose in regard to matters alleged in your complaint and which tend to evidence or elaborate on the allegations contained therein.

20. All originals if available, and if not then copies, of any and all correspondence, memoranda, notes, writings, statements or other written indicia, however termed, received or transmitted by you or by others on your behalf from or to Bernard B. Spindel and [redacted] their respective employers, employees and agents.

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21. All originals if available, and if not then copies, of any and all correspondence, memoranda, reports, affidavits, statements, records, notes, writings or other

documents furnished to or received from any legislator of the State of Wisconsin or the United States, members of the staff or other employees of any such legislator, State of Wisconsin or United States legislative committees or subcommittees or members, employees, or employees of members thereof by you or by others on your behalf and which relate to any of the matters alleged in your complaint.

22. All originals if available, and if not then copies, of any and all correspondence, memoranda, reports, affidavits, statements, records, notes, writings, photographs, sketches, diagrams, pictures or other documents furnished to or received from Ogden & Company, Inc. and/or any officer, director, employee, agent or other representative thereof by you or others on your behalf at any time and which relate to any other matters alleged in your complaint.

23. Copies of all press releases or other communications or notes of conversations or communications with news media prepared or issued by you or by others on your behalf at any time and which relate to any of the matters alleged in your complaint.

24. All originals if available, and if not then copies, of any and all correspondence, memoranda, reports, affidavits, statements, records, notes, writings or other documents furnished to or received from any state, federal

or local law enforcement agency, regulatory body, prosecuting attorney or any employee or agent of any such agency, body or attorney by you or by others on your behalf at any time and which relate to any of the matters alleged in your complaint.

United States District Court

FOR THE

EASTERN DISTRICT OF WISCONSIN

CIVIL ACTION FILE NO. 69-G-510

FRANK PETER BALISTRIERI,
Plaintiff,

vs.

JOHN A. HOLTZMAN, ET AL.,
Defendants,

TO

Frank Peter Balistrieri
3043 North Shepard Avenue
Milwaukee, Wisconsin 53211

YOU ARE COMMANDED to appear at the office of [REDACTED] in the city of Milwaukee,
Room 1500, 735 North Water Street, on the 19th day November, 1969, at 9:00 o'clock A. M. to testify
on behalf of the adverse party, to-wit: the defendant, Wisconsin
Telephone Company,
at the taking of a deposition in the above entitled action pending in the United States District Court
for the Eastern District of Wisconsin and bring with you¹

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All that contained and set forth
within the attached Exhibit A
which is made a part hereof.

Dated November 12, 1969

[REDACTED]
Attorney for Defendants
735 North Water Street
Address

RUTH W. LA FAVE

b6
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Clerk.

By B. Michaelson
Deputy Clerk.

1. Strike the words "and bring with you" unless the subpoena is to require the production of documents or tangible things, in which case the documents and things should be designated in the blank space provided for that purpose.

RETURN ON SERVICE

Received this subpoena at _____ on _____
and on _____ at _____
served it on the within named _____
by delivering a copy to h _____ and tendering to h _____ the fee for one day's attendance and the mileage
allowed by law.*

Dated: _____, 19____

Service Fees _____ By _____
Travel _____ \$ _____
Services _____

Total _____ \$ _____

Subscribed and sworn to before me, a _____ this _____
day of _____ 19____

* Fees and mileage need not be tendered to the witness upon service of a subpoena issued in behalf of the United States
or an officer or agency thereof. 28 USC 1825.

Note.—Affidavit required only if service is made by a person other than a United States Marshal or his deputy.

the capital stock, including the names and addresses of all such employees and agents from January 1, 1963 to the date of receipt of this subpoena.

4. All originals if available, and if not then copies, of any and all financial records, including but not limited to general ledgers, books of account, receipts and disbursements, profit and loss, and net worth for the years from and including 1959 through and including 1968 which relate to you personally and/or to any partnership or other association in which you had an interest and to any corporation in which you were an officer, director, employee or owner of 10% or more of any class of the capital stock. *for what reason*
More than 1 set

5. Copies of your personal individual federal and Wisconsin state income tax returns with all attached schedules filed for years 1959 through 1968 inclusive.

6. Copies of partnership federal and Wisconsin state income tax returns with all attached schedules filed by any partnership in which you had an interest for years from and including 1959 through and including 1968.

7. Copies of corporation federal and Wisconsin state income tax returns with all attached schedules filed by any corporation in which you were an officer, director or owner of 10% or more of any class of the capital stock for years from and including 1959 through and including 1968.

8. All originals if available, and if not then copies, of the articles of incorporation for each corporation in which you have been an officer, director or owner of 10% or more of any class of the capital stock for years from and including 1959 through and including 1968, together with copies of all records submitted to the office of the Wisconsin Secretary of State which indicate the names, addresses and offices of all individuals who have served as officers or directors of such corporations, and any and all statements or other declarations filed pursuant to §134.17 of the Wisconsin Statutes.

9. All originals if available, and if not then copies, of articles or other agreements of partnership or association under which you had an interest at any time from and including 1959 through and including 1968, together with any and all records which indicate the identity of other partners and/or associates under such articles or other agreements.

10. All microphone(s), wire(s), cable(s) and any other equipment or devices alleged by you in your complaint to have been installed in the premises described in paragraph 1 above and which are presently in your possession, under your control or otherwise available to you.

11. All sketches, diagrams, photographs, notes, memoranda, writings, documents or other written indicia,

however termed, which portray, describe or otherwise relate to microphone(s), wire(s), cable(s) and any other equipment and/or devices and the alleged installation thereof in or upon the premises described in paragraph 1 above and which are presently in your possession, under your control, or otherwise available to you.

12. All originals, if available, and if not then copies, of all correspondence, memoranda, notes, writings, invoices, statements, reports, records of payment, cancelled checks or other written indicia, however termed, which relate to the detection, inspection, examination and/or removal of all or any microphone(s), wire(s), cable(s) and any other equipment and/or devices alleged by you in your complaint to have been installed in, upon or adjacent to the premises described in paragraph 1 above.

13. All originals if available, and if not then copies, of all records, documents, writings, memoranda, physical evidence and/or other data which tend to support or evidence each of the allegations contained in paragraphs IX, X, XI, and XII of your complaint.

14. All originals, if available, and if not then copies of any and all appointment books, desk books, day books, calendars or other such records kept by you or on your behalf and covering the years, 1964, 1965 and 1966.

EXHIBIT A

1. All originals if available, and if not then copies, of all leases and/or other agreements for occupancy under which you leased or otherwise held or occupied Apartment [REDACTED]

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[REDACTED] Milwaukee, Wisconsin, together with rent receipts, cancelled checks or other evidence of payment of such rent for said leased premises and/or other records indicating the source of such payments for the entire time period or periods of such leases or occupancy.

2. All originals if available, and if not then copies, of all agreements and/or memoranda of agreements of employment, partnership or other association, shared income, shared expense, compensation and any other agreements between you and any partnership, association or corporation in which you had an interest of 10% or more, and Frank Peter Balistrieri, Dominic H. Frinzi or any partnership, association or corporation in which either or both of them had an interest of 10% or more, which were in effect at any time during your occupancy of the premises described in paragraph 1 above.

3. All originals if available, and if not then copies, of all subleases, other agreements and/or memoranda of agreements between you or any partnership, association or corporation in which you had an interest and Frank Peter

received or transmitted by you or by others on your behalf from or to Bernard B. Spindel and [] their respective employers, employees and agents.

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19. All originals if available, and if not then ✓
copies, of any and all correspondence, memoranda, reports, affidavits, statements, records, notes, writings or other documents furnished to or received from any legislator of the State of Wisconsin of the United States, members of the staff or other employees of any such legislator, State of Wisconsin or United States legislative committees or sub-committees or members, employees, or employees of members thereof by you or by others on your behalf and which relate to any of the matters alleged in your complaint.

20. Copies of all press releases or other commu- ✓
nications or notes of conversations or communications with news media prepared or issued by you or by others on your behalf at any time and which relate to any of the matters alleged in your complaint.

21. All originals if available, and if not then ✓
copies, of any and all correspondence, memoranda, reports, affidavits, statements, records, notes, writings or other documents furnished to or received from any state, federal or local law enforcement agency, regulatory body, prosecuting
for asssns

attorney or any employee or agent of any such agency, body
or attorney by you or by others on your behalf at any time
and which relate to any of the matters alleged in your
complaint.

UNITED STATES GOVERNMENT

Memorandum

DEPART

Mr. Tolson	✓
Mr. DeLoach	✓
Mr. Walters	
Mr. Mohr	
Mr. Bishop	
Mr. Casper	
Mr. Callahan	
Mr. Conrad	
Mr. Felt	
Mr. Gale	
Mr. Rosen	
Mr. Sullivan	
Mr. Tavel	
Mr. Soyars	
Tele. Room	
Miss Holmes	
Miss Gandy	

TO : Mr. J. Edgar Hoover
Director
Federal Bureau of Investigation

DATE: J

WOR:HRP
145-12-

FROM : William D. Ruckelshaus
Assistant Attorney General
Civil Division

SUBJECT: Frank P. Calistrieri v. John A. Holtzman, et al., No. 69-C-510; Dominic H. Palenzi v. John A. Holtzman, et al., No. 69-C-512; a/k/a [redacted] v. John A. Holtzman, et al., No. 69-C-511, USDC ED Wisconsin

Enclosed are one copy each of affidavits to be filed by Bureau employees in the above action.

The affidavits will support motions for summary judgment to be filed on behalf of the individual agents who are being sued. The motions must be filed shortly after the depositions of the plaintiffs have been taken. Those depositions are presently set for February 12, and 13 in Milwaukee, Wisconsin. Since the affidavits must be in final form before the briefs can be prepared, we ask that you return them to us by February 6, 1970 with a list of recommended alterations which you may desire, if any. If at all possible, we hope that the affidavits will meet with your approval in their present form because of the time limitations involved.

[redacted] of this Division, the attorney handling the case, will be in Milwaukee for the depositions. We would appreciate it if Special Agent Brandt of the Milwaukee Field Office can again be available for consultation with [redacted] on February 9 and 10 and on the evenings of February 11 and 12, if it should be necessary.

Enclosures 1 3 T
(1 copy of 12 affidavits)

REC-95

8 JAN 30 1970

COPIES OF PREPARED AFFIDAVITS
RETURNED TO DEPT. ATTY
AND SAC MAYLE, MILWAUKEE
TELEPHONICALLY ADVISED TO MAKE SA BRANDT
AVAILABLE FOR CONSULTATION WITH [redacted] ERS: REC. UNIT.

EXP. 32 JAN 30 1970

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F B I

Date: 2/6/70

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL AIR MAIL
(Priority)

TO: DIRECTOR, FBI (92-3116)

FROM: SAC, MILWAUKEE (94-316)(P)

SUBJECT: FRANK PETER BALISTRIERI
AR

(OO: MILWAUKEE)

On 2/3/70, JAMES FEATHERSTONE and [REDACTED] of the Justice Department Task Force, based in Chicago, Illinois, met with the SAC, SA DANIEL E. BRANDT, Organized Crime Coordinator, and USA DAVID J. CANNON in the Milwaukee Office to discuss organized crime activities in Wisconsin. *an*

They were generally aware of BALISTRIERI's leadership of an inactive LCN family in Milwaukee, and were advised of the absence of known hoodlum extortion and loan-sharking rackets or of any extensive political corruption in Wisconsin. It was indicated to them that Milwaukee FBI efforts in the organized crime field were being concentrated in the area of illegal gambling, which is known to exist in Milwaukee and southeastern Wisconsin. They were made aware of the recent Bureau arrest of FRANK LEO SANSONE, Milwaukee bookmaker, on ITWI charges, and of the arrest of [REDACTED] Wisconsin gambler, on ITAR - Gambling charges. During the meeting, FEATHERSTONE and [REDACTED] made no requests of Milwaukee, and expressed opinion that organized crime in Wisconsin was being well covered by the Milwaukee Office.

② - Bureau (AM)
2 - Milwaukee (94-316)
(1 - 92-145)
DEB:rab
(4)

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92-3116-630

FEB 9 1970

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Approved: 412 4
Special Agent in Charge

Sent _____ M Per _____

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MI 94-316

As a matter of further interest to the Bureau, the 2/5/70 edition of the "Milwaukee Sentinel" contained an article quoting ROBERT WARREN, Wisconsin Attorney General, as stating he was advised by a Justice Department official, not further identified, that Milwaukee would not have a Federal strike force.

F B I

Date: 1/29/70

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL _____
(Priority)

Mr. Tolson	_____
Mr. DeLoach	_____
Mr. Mohr	_____
Mr. Bishop	_____
Mr. Casper	_____
Mr. Callahan	_____
Mr. Conrad	_____
Mr. Felt	_____
Mr. Gale	_____
Mr. Rosen	_____
Mr. Sullivan	_____
Mr. Tavel	_____
Mr. Trotter	_____
Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

TO: DIRECTOR, FBI (92-3116)

FROM: SAC, MILWAUKEE (94-316) (P)

SUBJECT: FRANK PETER BALISTRIERI, aka
AR
OO: Milwaukee

On 1/27/70, USA DAVID J. CANNON, EDW, Milwaukee, Wisconsin, advised representatives of the Justice Department's Task Force in Chicago were going to visit Milwaukee during the coming week. The purposes of their visit were not known by CANNON.

The Chicago Office advised on 1/28/70, that [redacted] of the Task Force were scheduled to meet with USA CANNON in Milwaukee on the morning of 2/3/70 to discuss possibilities of securing a Federal indictment against BALISTRIERI in an Alcohol and Tobacco Tax case.

[redacted] will also meet with SAC and Organized Crime Coordinator, Milwaukee, on the afternoon of 2/3/70.

Bureau will be advised of further developments.

- (2) - Bureau (AM-RM)
1 - Chicago (Info) (RM)
3 - Milwaukee (2 - 94-316)
 (1 - 92-171)

DEB:rah
(6)

ST-121

REC 67

FEB 10 1970

Approved: _____

55 FEB 19 1970

Special Agent in Charge

Sent _____

M

Per _____

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Assistant Attorney General
Civil Division

February 27, 1970

Director, FBI

REC-10

92-3116-632

1 - Mr. DeLoach
1 - Mr. Gale
1 - Mr. Staffeld
1 - Mr. Leggett

EX-102

FRANK P. BALISTRIERI v. JOHN A. HOLTZMAN,
ET AL., NO. 69-C-510; DOMINIC H. FRINZI v. JOHN
A. HOLTZMAN, ET AL., NO. 69-C-512; [REDACTED]
a/k/a [REDACTED] v. JOHN A. HOLTEMAN, ET AL.
NO. 69-C-511, U.S.D.C. E.D. WISCONSIN

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Reference is made to your memorandum of
February 25, 1970, commenting on the outstanding cooperation
and assistance afforded to [REDACTED] of your
Division by Special Agent Daniel Brandt of our Milwaukee
office during the recent taking of depositions in the
above-captioned matter.

It was thoughtful of you to convey to us your
very kind remarks concerning Special Agent Brandt's
performance in this matter.

- 2 - Milwaukee - Enc.
(1 - Personnel File SA Daniel Brandt) - Enc.
1 - Personnel File SA Daniel Brandt

NOTE: This involves a civil suit for damages brought by
CN member Frank P. Balistrieri, his paramour [REDACTED]
and his attorney Dominic H. Frinzi against three retired
former Agents, one currently employed Special Agent and the
Milwaukee Telephone Company and its employees, based on
the maintenance of Bureau electronic surveillances on these
individuals. In connection with this action, Department
Attorney [REDACTED] representing Bureau personnel, participated
in the taking of depositions from the plaintiffs at Milwaukee
on February 11, 12, and 13, 1970, during which time he was
assisted by SA Daniel Brandt of the Milwaukee office, who is
the case Agent in this matter.

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(10)

Tolson _____
DeLoach _____
Walters _____
Mohr _____
Bishop _____
Casper _____
Callahan _____
Conrad _____
Felt _____
Gale _____
Rosen _____
Sullivan _____
Tavel _____
Soyars _____
Tele. Room _____
Holmes _____
Gandy _____

MAR 10 1970
MAR 16 1970
MAIL ROOM TELETYPE UNIT

UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

Memorandum

Mr. Tolson ☒
Mr. DeLoach ☒
Mr. Walters ☒
Mr. Mohr ☒
Mr. Bishop ☒
Mr. Casper ☒
Mr. Callahan ☒
Mr. Conrad ☒
Mr. Felt ☒
Mr. Gale ☒
Mr. Rosen ☒
Mr. Sullivan ☒
Mr. Tavel ☒
Mr. Soyars ☒
Tele. Room ☒
Miss Holmes ☒
Miss Gandy ☒

TO : Mr. J. Edgar Hoover
Director
Federal Bureau of Investigation

DATE: FEB 25 1970

WDR [redacted] hr
145-12-1369
145-12-1368
145-12-1368

FROM : William D. Ruckelshaus
Assistant Attorney General
Civil Division

SUBJECT: Frank P. Balistreri v. John A. Holtzman,
et al., No. 69-C-510; Dominic H. Prinzi v. John
A. Holtzman et al., No. 69-C-511; [redacted]
a/k/a [redacted] v. John A. Holtzman, et al.
No. 69-C-511, U.S.D.C. E.D. Wisconsin

As we previously advised, depositions of the plaintiffs in the above actions were taken on February 11, 12 and 13, 1970.

The FBI personnel involved in the actions were represented by [redacted] of this Division. [redacted] understands that Special Agent Daniel Brandt of the Milwaukee Field Office has already sent you communications summarizing the scope of the depositions in the matters which the various parties refused to testify to and the documents which they refused to produce.

The transcripts of the depositions will not reach us for at least another two weeks. Upon receipt, we will forward copies of the depositions to you as soon as they can be made. After receipt of the transcripts, appropriate motions will be made to compel testimony and to compel the production of documents.

[redacted] has indicated that he has received outstanding cooperation and assistance from Special Agent Daniel Brandt of the Milwaukee Field Office. He also indicates that Special Agent Brandt has remained after hours on many occasions to assist him and on at least one occasion has remained late into the night endeavoring to assist [redacted] in his preparation of these cases. Accordingly, I feel it appropriate to bring to your attention both the quality and quantity of the assistance that Special Agent Brandt has been providing.

Thank you for your continued cooperation.

REC-10

FEB 25 1970

XEROX
MAR 10 1970

EXP. PROC.

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30 FEB 25 1970

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FBI

Date: 2/12/70

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL _____
(Priority)

TO: DIRECTOR, FBI (92-3116)

JUNE

FROM: SAC, MILWAUKEE (66-950) (P)

SUBJECT: FRANK PETER BALISTRIERI
AR
OO: Milwaukee

[redacted] Departmental Attorney, advised deposition hearing in connection with BALISTRIERI electronic surveillance damage suit held in Milwaukee 2/11/70.

BALISTRIERI was represented by his son, JOSEPH P. BALISTRIERI. Also present at the hearing were the following attorneys:

[redacted] Representing Wisconsin Telephone Company;

[redacted] Representing Wisconsin Telephone Company;

[redacted] Representing former SAs CLARK E. LOVRIEN and ALEXANDER P. LE GRAND;

[redacted] Departmental Attorney - Representing former SAs LOVRIEN, LE GRAND, JOHN A. HOLTZMAN, and SA [redacted]

- (2) - Bureau (AM-RM)
4 - Milwaukee (1 - 66-950)
(1 - 94-316-Sub 2)
[redacted]
(1 - 92-222-Sub 2)

DEB:rah
(6)

REC-47

92-316-633

EX 110

2 FEB 12 1970

Approved: 6 MAR 19 1970
Special Agent in Charge

Sent _____ M Per _____

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MI 66-950

[redacted] Representing Ogden
Realty Company.

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Questioning of BALISTRERI was handled by [redacted]
[redacted] took entire day and was not completed. BALISTRERI
failed to produce records which had previously been subpoenaed.

Upon advise of his attorney, BALISTRERI refused
to answer questions concerning following general areas:

Other occupations and where he spent his time;

Type of personal business conducted at the
Downer Street location;

What social relations were lost as result of
electronic surveillance;

What business associations were lost as result
of electronic surveillance;

Relationship with nightclubs such as King's IV,
Alfie's Tavern, Ad Lib, The Scene, Gallagher's
Tavern, Brass Rail, Tower Tavern, Tradewinds
Inc., and The Le Bistro;

Sources of income from 1960 to present;

Bank accounts and financial records;

Business dealings in Chicago;

Business rentals charged to Continental Sales;

Nature of social relationship with FELIX ALDERISIO;

Business relationship with [redacted]

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Whether ALDERISIO approved BALISTRERI's damage suit;

Date he retained Attorney WALSH;

Connections with the Mafia.

MI 66-950

[] advised no date was set for the continuation of the hearing and it is expected defense motions will be filed in the future to compel BALISTRERI to answer questions he refused and also to produce records previously subpoenaed.

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Deposition hearing in [] suit being held 2/12/70 and similar deposition hearing in the DOMINIC H. FRINZI suit will be held 2/13/70.

Bureau will be advised of further developments.

F B I

Date: 2/16/70

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL AIRMAIL
(Priority)

TO: DIRECTOR, FBI (92-3116)

JUNE

FROM: SAC, MILWAUKEE (66-950)

SUBJECT: FRANK PETER BALISTRIERI
AR

OO: Milwaukee

[redacted] Departmental Attorney, [redacted] advised on 2/13/70 that deposition hearings for [redacted] and DOMINIC H. FRINZI in connection with their electronic surveillance damage suits were held in Milwaukee on 2/12,13/70 respectively.

With regard to the [redacted] hearing, she was represented by JOSEPH P. BALISTRIERI, attorney and son of FRANK BALISTRIERI. Also present during the [redacted] hearing were the following:

[redacted] representing Wisconsin Telephone Company

[redacted] representing Wisconsin Telephone Company

[redacted] representing former SA's CLARK E. LOVRIEN and ALEXANDER P. LE GRAND

- 2 - Bureau AM RM
4 - Milwaukee (66-950)
(1 = 94-316 Sub 2)
[redacted]
(1 - 92-222 Sub 2)

DEB/bkc
(6)

REC-47

EX-110

92-3116-634

FEB 17 1970

MAR 19 1970

6 Approved: _____

Special Agent in Charge

Sent _____ M Per _____

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MI 66-950

[redacted] Departmental Attorney -
representing former SA's LOVRIEN, LE GRAND,
JOHN A. HOLTZMAN and SA [redacted]

[redacted] representing Ogden Realty Company

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The questioning of [redacted] was handled by
[redacted] took the entire day and was not completed
at the time the hearings were adjourned. [redacted] brought a
volume of records with her to the hearing; however, when
questioned regarding these records she declined to have them
identified or to permit these records to be examined by the
defense.

Upon advice of her attorney, [redacted] refused to
answer questions regarding the following general areas:

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Transactions between various corporations which
control FRANK BALISTRERI's nightclubs;

Income tax returns;

Compensation she received from the Badger State
Boxing Club;

Specific sources of income during 1961 - 1962;

Type of services she performed for FRANK BALISTRERI
while in the questioned apartment;

Identity of other shareholders in Ben Kay, Inc.;

Information regarding Alfie's, Ad Lib, Scene,
King's IV, Tower Tavern and The Brass Rail, night-
clubs said to be controlled by FRANK BALISTRERI;

Other investments;

Other business interests;

MI 66-950

Upon whose orders she made long-distance calls from her apartment;

Why bookkeeping records were kept in her apartment;

Whether other records were stored in her apartment;

Who gave her an interest in Midwest Scrap Metal Company.

[redacted] during the questioning, denied she had been instructed by anyone to file the damage suit. She admitted she had supplied no information which appeared in the complaint to her attorney, but had consulted with him prior to the filing of the complaint. She knew nothing of the monetary damage in the complaint and did not select the amount of money, damages and was not interested in the damages set forth in the complaint. She indicated she was claiming no wage loss as a result of the Government's wiretapping.

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[redacted] advised that the [redacted] hearing was suspended and that the defense was considering the filing of a motion which would compel [redacted] to testify and to enforce the terms of a previous subpoena with regard to her production of records as requested in the subpoena. At the end of the initial [redacted] hearing, [redacted] advised JOSEPH BALISTRERI that the defense would seek costs under the provisions of Rule 37A of the Federal Rules of Civil Procedure for the failure of both FRANK BALISTRERI and [redacted] to produce the records specified in the subpoena previously served on them.

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[redacted] advised that the deposition hearing in the DOMINIC H. FRINZI electronic surveillance suit was held in FRINZI's office on 2/13/70. FRINZI was represented by Milwaukee Attorney [redacted]. At the outset of the hearing, arrangements were made that charges in the FRINZI suit against

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MI 66-950

former SA CLARK E. LOVRIEN would be dismissed upon agreement of both attorneys.

The questioning of FRINZI was handled by [] and also took the entire day. FRINZI admitted knowing JOHN ALIOTO, FRANK PETER BALISTRIERI and FRANK LA GALBO on a professional basis and that he had been a classmate of BALISTRIERI's wife. He denied ever charging FRANK BALISTRIERI any legal fee for services which he had performed for BALISTRIERI. FRINZI indicated he has been separated from his wife since August, 1969, and that many of his records are in the custody of his wife. The deposition hearing with regard to FRINZI was adjourned; however, FRINZI was to search for additional documents as required in a subpoena previously served on him. According to [] it is expected no motion to compel further testimony on FRINZI's behalf would be filed by the defense attorney. b6 b7C

[] stated that it was expected the motions with regard to BALISTRIERI and [] would be filed within the next three weeks and that after these motions are filed a date for the continuance of their deposition hearings would be set. [] indicated that he would also draft a document which would be sent to [] relative to the dismissal of the FRINZI charges against ex-SA CLARK E. LOVRIEN. b6 b7C

1 - Mr. DeLoach
1 - Mr. Bishop
1 - Mr. Gale
1 - Mr. McAndrews
1 - Mr. Staffeld
1 - Mr. Leggett

EX-102

Assistant Attorney General
Tax Division REC-89

September 23, 1969

Director, FBI

92-3116-635

UNITED STATES vs. BALISTRIERI (S.D. Ill. - FBI Witnesses)

Reference is made to your memorandum dated September 22, 1969, requesting that certain FBI personnel be made available for testimony at the forthcoming hearing in the captioned matter scheduled for October 9 and 10, 1969, in Springfield, Illinois.

In accordance with your request, Special Agent [redacted] and Special Employee [redacted] of our Chicago office will be present for this hearing.

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In addition, Special Agent John G. Leggett who is assigned to Headquarters, Washington, D. C., has been designated as the Bureau representative in position to state that all of the FBI electronic surveillance material in which this defendant was overheard has been produced. Special Agent Leggett will be available at your convenience for any conference or consultation you may desire in connection with his testimony in this matter.

NOTE: Frank Peter Balistrieri, Milwaukee LCN boss, has been previously convicted on a Federal income tax charge. His case is on appeal and has been remanded by the United States Supreme Court to the Federal District Court, Springfield, Illinois, for a hearing concerning electronic surveillance maintained by the Bureau on him. This hearing is scheduled for 10-10/69 and the Department has requested the presence for purposes of testimony of SA [redacted] and Special Employee [redacted] both of the Chicago office who have knowledge concerning the electronic coverage of Balistrieri. In addition, the Department desires that a representative from FBI Headquarters be made available to testify that all surveillance material in which the defendant was overheard has been produced and Supervisor John G. Leggett of the Special Investigative Division has been designated to provide this testimony.

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MAILED 2
SEP 23 1969
COMM-FBI

Tolson _____
DeLoach _____
Mohr _____
Bishop _____
Casper _____
Callahan _____
Conrad _____
Felt _____
Gale _____
Rosen _____
Sullivan _____
Tavel _____
Trotter _____
Tele. Room _____

JGL:jfp
(9)

Handwritten signatures and initials: JGL, jfp, (9), and several large, stylized signatures.

MAIL ROOM ☐ TELETYPE UNIT ☐

UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

Memorandum

TO : Mr. J. Edgar Hoover
Director, Federal Bureau of Investigation

DATE: SEP 22 1969

FROM : Johnnie M. Walters
Assistant Attorney General
Tax Division

SUBJECT: United States v. Balistreri (S.D. Ill.) - F.B.I. Witnesses

Mr. Tolson	_____
Mr. DeLoach	_____
Mr. Mohr	_____
Mr. Bishop	_____
Mr. Casper	_____
Mr. Callahan	_____
Mr. Conrad	_____
Mr. Felt	_____
Mr. Gale	_____
Mr. Rosen	_____
Mr. Sullivan	_____
Mr. Tavel	_____
Mr. Trotter	_____
Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

A hearing will be held on October 9 and 10, 1969, in Springfield, Illinois, in connection with the remand by the Supreme Court of the Balistreri case for the purpose of determining whether the evidence on which the defendant was convicted was tainted because of an electronic surveillance in which the defendant was overheard. At an earlier hearing in the matter held on July 30, 1969, defense counsel advised the Court that certain F.B.I. witnesses would be subpoenaed and the Government advised the Court that the required witnesses would be produced at the hearing without subpoena. Accordingly, it is respectfully requested that the following persons be made available for the aforementioned hearing:

(1) [redacted] Special Employee, who monitored the conversation at [redacted]

(2) Special Agent [redacted] who is cited by defense counsel as having knowledge of the results of the installation at [redacted] Defense counsel also advised that he would request from the latter the index cards from the Chicago office. The Government will object to the production.

(3) The F.B.I. national office official who is in a position to state that all of the F.B.I. electronic surveillance material in which this defendant was overheard has been produced. Defense counsel indicated that he would question the official as to whether the witness' information was not solely from hearsay. Accordingly, it is requested that the official be in a position to make an affirmative answer that the search for such material was made under his direction and control.

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SEP 22 1969
RC
X

Let's APG 7AL DIV
9-23-69
Airtel to CG, ME, SE
9-23-69
JCH: JCH

REC-89

92-2116-635

F B I

Date: 3/12/70

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL AIRMAIL
(Priority)

TO : DIRECTOR, FBI (92-3116)

FROM : SAC, MILWAUKEE (94-316) *(-R)*

SUBJECT: FRANK PETER BALISTRIERI, aka
AR

OO: MILWAUKEE

On 3/12/70, DAVID J. CANNON, USA, EDW, Milwaukee, made available a copy of a motion filed by the subject's attorneys with the Seventh Circuit Court of Appeals, Chicago, on 3/5/70, requesting an extension to 4/20/70 in which to file a brief of appeal in the subject's income tax evasion case.

Two copies of the above-described motion are being forwarded to the Bureau for their files. *B*

2 - Bureau (92-3116) (AM-RM) (2 Encl.) *1 DED*
1 - Milwaukee (94-316)
DEB/kdb
(3)

REC 45

MAR 14 1970

2 *DEB*
ENCLOSURE ATTACHED

Approved: *7281*
Special Agent in Charge

Sent _____ M Per _____

ENCLOSURE (2) to LETTER: ALBANY
(RECEIVED)

TO SAC, DIRECTOR, FBI

DATED: 3/12/70

RE: FRANK PETER BALISTRIERI

MI FILE # 94-316

NOTE: 92-3116



92-3116-636

ENCLOSURE

RECEIVED

IN THE

MAR 9 1970

UNITED STATES COURT OF APPEALS

United States Attorney
Eastern District of Wisconsin

FOR THE SEVENTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

vs.

NO. 18223

FRANK PETER BALISTRIERI,

Defendant-Appellant.

NOTICE

TO: [redacted] Attorney
Department of Justice
Washington, D. C. 20530

Hon. David J. Cannon ✓
United States Attorney
U. S. Courthouse
Milwaukee, Wisconsin 53202

PLEASE TAKE NOTICE that I have this day filed with the Clerk of the United States Court of Appeals for the Seventh Circuit, a Motion to Extend Time for Filing Brief on Appeal of the above-named Defendant-Appellant, together with the Affidavit of [redacted] one of his attorneys, copies of which Motion and Affidavit are attached hereto and filed simultaneously herewith.

MAR 5 1970

KENNETH J. CARRICK

Clerk

March 5, 1970

29 S. LaSalle Street
Chicago, Illinois 60603
DEarborn 2-7374

[redacted] One of the Attorneys
for Frank Peter Balistrieri

b6
b7c

STATE OF ILLINOIS)
COUNTY OF COOK) SS.

A F F I D A V I T

[redacted] being duly sworn on oath, says that he has served enclosed Notice of Motion to Extend Time Within Which to File Brief on Appeal by placing the same in envelopes, properly addressed to [redacted] Attorney, Department of Justice, Washington, D. C. 20530 and Hon. David J. Cannon, United States Attorney, U. S. Courthouse, Milwaukee, Wisconsin 53202, with sufficient United States postage affixed to the envelopes, and depositing same in the receptacle for United States Mail located in Barrister Hall, 29 South LaSalle Street, Chicago, Illinois, on the 5th day of March, 1970.

[redacted] One of the Attorneys for Defendant-Appellant Frank Peter Balistreri

SUBSCRIBED and SWORN TO
before me this 5th day of
March, 1970.

NOTARY PUBLIC

b6
b7C

IN THE
UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

UNITED STATES OF AMERICA,
Plaintiff-Appellee,
vs.
FRANK PETER BALISTRIERI,
Defendant-Appellant.

NO. 18223

MOTION TO EXTEND TIME WITHIN WHICH TO
FILE BRIEF ON APPEAL.

Now comes the Defendant-Appellant, FRANK PETER BALISTRIERI,
by one of his attorneys, [REDACTED], and moves the Court
to extend the time within which he may file his brief on appeal
to and including April 20, 1970.

In support of this motion, there is attached hereto the
Affidavit of [REDACTED]

FRANK PETER BALISTRIERI,
Defendant-Appellant,

By: [REDACTED] One of
His Attorneys.

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b7C

STATE OF ILLINOIS] SS.
COUNTY OF C O O K]

AFFIDAVIT

being first duly sworn on oath, deposes and states:

b6
b7C

The Defendant-Appellant's brief is currently due to be filed in this Court on March 7, 1970. No previous extensions of time have been sought.

For the past month, Affiant has been engaged in the preparation of Petitions for Writs of Certiorari in the cases of Roviano v. United States, No. 1277, and DiDomenico v. United States, No. 1203, and has been engaged in the preparation of briefs in the cause of United States v. Bukowski, No. 17378, Zizzo v. United States, No. 18168, in this Court, and in the preparation of a Petition for Leave to Appeal in the Illinois Supreme Court in the case of People v. Branscomb, No. 42846, and a brief in the Illinois Supreme Court in the cause of People v. Monroe, No. 42848, and in various other litigation in the United States District Court for the Northern District of Illinois and in the Circuit Court of Cook County.

For the foregoing reasons, Affiant has been unable to

prepare the brief of the Defendant-Appellant in the instant cause for filing on its due date of March 7, 1970, and moves this Court to extend the time within which he may file the brief of the Defendant-Appellant Frank Peter Balistrieri, to and including April 20, 1970.

Further, Affiant saith not.

One of the
Attorneys for Defendant-
Appellant.

b6
b7c

SUBSCRIBED and SWORN TO
before me this 5th day of
March, 1970.

NOTARY PUBLIC

F B I

Date: 3/12/70

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL AIRMAIL
(Priority)

TO : DIRECTOR, FBI (92-3116)

JUNE

FROM : SAC, MILWAUKEE (66-950) (P)

SUBJECT: FRANK PETER BALISTRIERI
AR

OO: MILWAUKEE

Re Milwaukee airtels to Bureau, 2/12 and 2/16/70.

Enclosed for the Bureau are two copies each of
the following documents:3) "The Milwaukee Journal" newspaper article
dated 3/11/70A check of the United States District Court
Clerk's Office, Milwaukee, on 3/12/70, disclosed a similar
motion to those described above was not filed in the
DOMINIC H. FRINZI electronic surveillance civil suit.

- 2 - Bureau (92-3116) (Encls. 6) (AM-RM)
4 - Milwaukee (1-66-950)

(1-94-316-Sub 2) (BALISTRIERI)

(1-92-222-Sub 2) (FRINZI)

DEB/kdb
(6)

APR 1 1970

Special Agent in Charge

Sent _____ M Per _____

b6
b7C
b7D

EX-117

REC 29

92-3116-637

3 MAR 14 1970

MI 66-950

The Bureau is requested to forward a copy of each
of the enclosures to [redacted] Departmental Attorney
handles these cases.

b6
b7c

Enclosures to Bureau (Bufile 92-3113)

2 copies each of following:



- 3) "Milwaukee Journal" newspaper article
dated 3-11-70

b6
b7C
b7D



92-3113-637

(Mount Clipping in Space Below)

Balistrieri Asks Secret Hearing

A secret adverse hearing has been asked in a \$2.75 million damage suit brought by Frank P. Balistrieri, Milwaukee night club owner, and his former bookkeeper against the Wisconsin Telephone Co. and FBI agents for alleged illegal spying and electronic eavesdropping.

The motion, received Tues-

day by Federal Judge Myron L. Gordon, also would limit examination at the hearing.

Atty. Joseph P. Balistrieri, representing his father, Frank, and Miss Jennie Alioto, of 1634 N. Jackson St., asked the Federal Court to bar everyone from the hearing except parties to the action and their lawyers.

The motion also asked that the transcript be sealed and opened only by court order, and that the court limit the questions the defendants could ask.

Atty. Marvin E. Klitsner, who represents the telephone company and two of its employees, said their interest in the hearing had nothing to do with Balistrieri's tax evasion case.

Balistrieri has appealed a jury conviction for evading personal income tax payments totaling \$20,480 for 1959 and 1960. He filed a request for an extension of his appeal from March 7 to April 20 with the

Federal Appeals Court in Chicago, US Atty. David J. Cannon said.

In December, an appellate judge reimposed Balistrieri's prison term and fine. The suit began in January, 1965.

(Indicate page, name of newspaper, city and state.)

B-2

THE MILWAUKEE JOURNAL
MILWAUKEE, WISCONSIN

Date: 3/11/70

Edition: LATEST

Author:

Editor: RICHARD H. LEONARD

Title:

Character:

or

Classification:

Submitting Office: MILWAUKEE

☐ Being Investigated

F B I

Date: 4/6/70

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL AIRMAIL
(Priority)

TO : DIRECTOR, FBI (92-3116)

FROM : SAC, MILWAUKEE (94-316) (P)

SUBJECT: FRANK PETER BALISTRIERI, aka
AR

OO: MILWAUKEE

On 4/2/70, Mando Enterprises, Inc., a corporation operating the Ad Lib Club, one of BALISTRIERI's Milwaukee nightclubs, was fined \$2600 in local court for violations of state liquor credit purchasing and licensing laws.

During the hearing, Assistant District Attorney [redacted] noted FRANK BALISTRIERI, although not a defendant, was connected with the operation of the Club and had been identified in the past in the United States Senate as being involved with the La Cosa Nostra. This statement created an angry retort by Attorney JOSEPH P. BALISTRIERI, son of FRANK BALISTRIERI, who defended the corporation. BALISTRIERI later apologized to the court for his outburst and pointed out the District Attorney's Office was using the sentencing of a corporation where BALISTRIERI's name does not appear in an effort to once again publicly attack him.

In another court action, a county judge was prohibited from hearing a state liquor law case against ANGELO B. DI GIORGIO, licensee for the Kings IV, another of BALISTRIERI's Milwaukee nightclubs. The court said the matter should be handled in a civil court and not as a criminal matter.

2 - Bureau (92-3116) (AM-RM)
4 - Milwaukee (2-94-316)
(1-92-717)
(1-166-241)

DEB/kdb (6)

REC-5

92-3116-638

APR 7 1970

APR 7 1970

Sent _____ M Per _____

Special Agent in Charge

4/28/70

Airtel

To: SAC, Milwaukee

From: Director, FBI

FRANK PETER BALISTRIERI
ANTI-RACKETEERING

In connection with the civil suits filed by the subject and others against former and present Bureau personnel and the Wisconsin Telephone Company and its employees, there is enclosed for your information a copy of depositions of the subject and another plaintiff, Dominic Frinzi, in this matter.

This material has been furnished to the Bureau by the Department which has requested that caution be employed to insure that none of the material contained in the transcript of the depositions is disseminated or included in any written FBI communication. The Department has also advised that a transcript of the deposition taken from [redacted] another plaintiff, will be forwarded when it has been copied.

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Enc. (2)

REC-29

92-3116-639

NOTE: This involves a civil suit filed by Milwaukee hoodlum, Frank Peter Balistrieri, his girlfriend and [redacted] and Milwaukee hoodlum attorney, Dominic Frinzi, against three former Agents and one present Agent, the Wisconsin Telephone Company and several of its employees, seeking damages based on the placing of microphones on the premises of the three plaintiffs early in the 1960's. In connection with this litigation, depositions have been taken from Balistrieri, Frinzi and [redacted] by attorneys representing the government and the telephone company and copies of the Balistrieri and Frinzi depositions are being forwarded to the Milwaukee office for information. A copy of the transcript of the [redacted] deposition will also be furnished the Milwaukee office when received from the Department.

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Tolson _____
DeLoach _____
Walters _____
Mohr _____
Bishop _____
Casper _____
Callahan _____
Conrad _____
Felt _____
Gale _____
Rosen _____
Sullivan _____
Tavel _____
Soyars _____
Tele. Room _____
Holmes _____
Gandy _____

JGL:jfp
(4)

56 MAY 5 1970

MAIL ROOM TELETYPE UNIT

UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

Memorandum

TO : Mr. J. Edgar Hoover
Director
Federal Bureau of Investigation

FROM : William D. Ruckelshaus
Assistant Attorney General
Civil Division

SUBJECT: Frank P. Balistrieri v. John A. Holtzman,
et al., No. 69-C-510; Dominic H. Frinzi v.
John A. Holtzman, et al., No. 69-C-512,
U.S.D.C. E.D. Wisconsin

APR 14 1970

DATE:
WDR:NRP:h
145-12-13
145-12-13

Mr. Tolson	_____
Mr. DeLoach	_____
Mr. Mohr	_____
Mr. Bishop	_____
Mr. Casper	_____
Mr. Callahan	_____
Mr. Conrad	_____
Mr. Felt	_____
Mr. Gale	_____
Mr. Rosen	_____
Mr. Sullivan	_____
Mr. Tavel	_____
Mr. Soyars	_____
Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

Enclosed are copies of depositions of the plaintiffs in the above two actions.

After they have been reviewed in your office, please forward them to the Milwaukee Field Office. Special Agent Dan Brandt there has requested that he be sent copies of the depositions. However, caution should be used to insure that none of the material contained in the transcripts of the depositions is disseminated or included in any written Bureau communications.

The transcript of the [] deposition will be forwarded when it has been copied.

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b7C

ENCLOSURE

REC-28

92-3116-640

MAY 5 1970

EXP. PROC.

APR 14 1970

56 MAY 12 1970

F B I

Date: 5/27/70

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL AIRMAIL
(Priority)

TO: DIRECTOR, FBI (92-3116)
FROM: SAC, MILWAUKEE (94-316) P
SUBJECT: FRANK PETER BALISTRIERI, aka
AR
OO: MI

Enclosed for the Bureau are two copies of a brief filed 5/25/70 before the Seventh Circuit Court of Appeals, Chicago, Illinois, on behalf of the subject in connection with his Federal Income Tax evasion conviction.

The Bureau may wish to furnish a copy of this brief to [redacted] Departmental Attorney handling civil suits recently instituted by BALISTRIERI and his associates in USDC, Milwaukee.

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b7c

2 - Bureau RM AM (Enc. 2)
2 - Milwaukee

DEB/bkc
(4)

ICC TO DEPT. ATTY

6-2-70

54 JUN 11 1970

Approved: _____

Special Agent in Charge

Sent _____ M Per _____

RECEIVED

MAY 26 1970

United States Attorney
Eastern District of Wisconsin

May 25, 1970

[redacted] Attorney
Department of Justice
Washington, D. C. 20530

Dear [redacted]

Enclosed you will find two copies of the defendant-appellant's brief in the case of United States v. Frank Peter Balistrieri, No. 18223, which was filed in the Seventh Circuit Court of Appeals this 25th day of May, 1970.

You will also find a five-page document with a title, "Appendix for Defendant-Appellant". It is intended that that document will serve as the defendant-appellant's designation of the contents of the Appendix on appeal.

You will note that that document is drawn in anticipation that the United States Court of Appeals for the Seventh Circuit will allow copies of the Appendix and Exhibits relating to electronic eavesdropping which were filed with that Court on Balistrieri's previous appeal, to be filed as exhibits on this appeal, in order to conserve time and expense on re-printing. A motion seeking leave to file those exhibits will be filed in the Court of Appeals tomorrow, May 26, 1970.

I am sure you are aware that under the federal rules of appellate procedure, that you are to designate any additional parts of the Appendix that you wish printed at the time you file your brief.

Yours truly,

CMW:lb

cc Mr. Frank J. Violanti,
U.S. Attorney, Springfield

Mr. David J. Cannon
U.S. Attorney, Milwaukee

92-3116-641
ENCLOSURE

RECEIVED

MAY 26 1970

IN THE

United States Attorney
Eastern District of Wisconsin

UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

NO. 18223

USCA-7th Circuit
FILED
MAY 25 1970
KENNETH J. CARRICK
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

vs.

FRANK PETER BALISTRIERI,

Defendant-Appellant.

Appeal from the United States District Court for the
Southern District of Illinois, Southern Division.

Honorable Omer C. Poos, Judge Presiding.

BRIEF FOR DEFENDANT-APPELLANT

MAURICE J. WALSH

29 South LaSalle Street
Chicago, Illinois 60603

Attorneys for Defendant-Appellant.

Of Counsel:
DOMINIC FRINZI
161 W. Wisconsin Avenue
Milwaukee, Wisconsin

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b7c

I N D E X

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I. THE GOVERNMENT WRONGFULLY WITHHELD EVIDENCE FAVORABLE TO THE DEFENDANT FROM THE DEFEND- ANT, THE COURT AND THE JURY, AND THE PROSECU- TOR ARGUED TO THE JURY CONTRARY TO CONCEALED FACTS WITHIN HIS KNOWLEDGE, AND THUS THE TRIAL COURT ERRED IN DENYING THE DEFENDANT'S MOTION FOR NEW TRIAL.	3
II. THE GOVERNMENT HAS NOT AND CANNOT PURGE THIS PROSECUTION OF THE TAIN OF UNLAWFUL ELECTRONIC EAVESDROPPING, AND THUS THIS COURT SHOULD EXERCISE ITS SUPERVISORY POWERS AND REVERSE THE CONVICTION HEREIN....	16
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AUTHORITIES CITED

Brady v. Maryland, 373 U.S. 83.	11,12,15
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IN THE
UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

NO. 13223

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

VS.

FRANK PETER BALISTRIERI,

Defendant-Appellant.

Appeal from the United States District Court for the
Southern District of Illinois, Southern Division.

Honorable Omar C. Poos, Judge Presiding.

BRIEF FOR DEFENDANT-APPELLANT

ISSUES PRESENTED

1. Where evidence favorable to the defendant was in the government's possession before and during his trial for

attempted income tax evasion, and such evidence would have been a sound basis for reasonable doubt of the guilt of the defendant, and such evidence has now been produced during a hearing on remand, should not the District Court have granted a new trial?

2. Where the prosecutor was in possession of information tending to show that the defendant's brother was the responsible officer and operator of a tavern corporation rather than the defendant, and also was in possession of information tending to show that others had paid taxes for the profit on scrap metal sales for which the defendant was charged in the government's computations of his tax in charts given the jury, and argued to the jury that the defendant might have stolen or embezzled cash from a corporation which it is now shown he did not control, should the District Court have granted the defendant a new trial when the evidence concealed by the government was established by exhibits that it produced?

3. Where the total evidence on the subject of illegal electronic eavesdropping shows that Count 1 of the indictment

was tainted by illegally obtained evidence and said count charged conspiracy to commit the acts complained of in Counts 2 and 3, was not the entire indictment so tainted?

4. Where Grand Jury evidence obtained by illegal electronic eavesdropping of a lead to the effect that the defendant had attempted to deprive the United States of the honest services of an Internal Revenue Service employee, and of another occasion that his bookkeeper had stated on an illegally eavesdropped telephone that she had forged signatures on business documents of the defendant, and the results of such illegal leads were presented to the Grand Jury and resulted in specific charges concerning such alleged misconduct, was not the Grand Jury biased in its consideration of the charges against the defendant for wilful attempt to evade income taxes, thus invalidating the indictment?

5. Does a defendant have a right to an unbiased grand jury?

6. Where the government admits unlawful electronic eavesdropping consisting of microphone bugging of the

defendant's place of business, the office of one of his attorneys, and the apartment office of his bookkeeper for protracted periods, and leads which culminated in charges contained in one of the counts of the indictment were admittedly obtained thereby, and the government on more than four separate occasions has produced so-called "logs" of illegally overheard conversations, has the government been able to remove the taint of its illegal conduct from the prosecution, since it is by no means certain that the full extent of unlawful electronic eavesdropping has been discovered by the government or disclosed by it, and the original evidence containing the substance of such conversations, to wit, the recording tapes, were destroyed by the government and there only remains editorialized versions of such overhearings?

STATEMENT OF THE CASE

This is an appeal from judgment entered after a hearing under an order of remand, and a new sentence imposed at the conclusion thereof. (R.143, A.*)

After the original trial before a jury, at which the defendant was convicted on Counts 2 and 3 of the indictment charging attempted evasion of income tax by filing of false tax returns, he was sentenced to 2 years' imprisonment and \$10,000 fines and costs. (O.D.A.* 76-77)

Upon appeal from that sentence, this Court of Appeals filed its opinion affirming the judgment at 403 F.2d 472.

*The defendant has caused four copies of the Defendant's Appendix and copy of Defendant's Exhibit of Excerpts from the Transcript Relating to Electronic Eavesdropping Pursuant to Rule 18(a), which were filed in the defendant's original appeal in this Court under number 16639, to be filed as exhibits on this appeal. Citations to these books will be "O.D.A." for Original Defendant's Appendix and "E" for the Excerpts. The Appendix filed on this appeal will be cited as "A".

Although the Petition for Certiorari was denied, a
P
Petition for Rehearing was granted, and upon this, the
Petition for Writ of Certiorari was granted and the judgment
of the U. S. Court of Appeals for the Seventh Circuit was
vacated. The case was remanded to the United States District
Court for the Southern District of Illinois for further pro-
ceedings in the light of Alderman v. United States, 394 U.S.
165, and Giordano v. United States, 394 U.S. 310. (R.115-116,
A.)

At the hearing on remand, the Government produced
several documents which it stated were purported logs of
conversations overheard by illegal eavesdropping. (R.139, A.)

The defendant moved for a new trial on the ground of
new evidence and asked for a new trial in order to avoid a
manifest miscarriage of justice and because of the concealment
or failure by the United States to produce evidence which would
have been favorable to the defense upon the original trial.

(R.118, A.) In this connection, a Motion for Production
by the United States (R.125, A.) was complied with by
the United States, and various Internal Revenue documents were
produced by the Government and introduced into evidence.

(Defendant's Exhibits 1-5; Government Exhibits 1-5) The substance of these exhibits and persuasive effect are discussed at length in the Argument in this brief.

The Court found that there was nothing in the new eavesdropping "logs" that tainted the original trial and overruled the motion for new trial and entered judgment and sentence. (R.132, A.)

A short time thereafter, the United States notified the Judge and the defense attorney that additional eavesdropping "logs" and communications had been discovered, and the sentence of the Court was vacated by agreement (R.136, A.), and the Judge, after considering the newly discovered "logs", presented by the Government, decided that they, too, did not taint the original trial, and again overruled the Motion for New Trial and re-entered the judgment and sentence providing for two years' imprisonment and \$10,000 fines against the defendant. (R.138-141, A.)

ARGUMENT

I.

THE GOVERNMENT WRONGFULLY WITHHELD EVIDENCE
FAVORABLE TO THE DEFENDANT FROM THE DEFENDANT,
THE COURT AND THE JURY, AND THE PROSECUTOR ARGUED
TO THE JURY CONTRARY TO CONCEALED FACTS WITHIN
HIS KNOWLEDGE, AND THUS THE TRIAL COURT ERRED IN
DENYING THE DEFENDANT'S MOTION FOR NEW TRIAL.

A. The Government wrongfully withheld from the defendant, the Court and the jury, evidence of which the prosecutor had actual knowledge, and enlarged the prosecutor's misconduct by his argument contrary to concealed facts within his knowledge.

[redacted] who was the Assistant United States Attorney, argued on behalf of the government to the jury, in part as follows:

"We have Badger Boxing Club and Tower Tavern, which are also businesses which the Defendant had an interest in at the beginning of the prosecution period and where there's no evidence available to discount that he had an interest at the end of the prosecution period.

"Now, from your experiences in life, ladies and gentlemen, you know how a tavern business operates,

it's a cash business, the person comes in and buys a drink and the money goes into the cash register. Certainly in connection with that the business can pay expenses by check and they can pay salaries to employees, but I ask you in your considerations to reflect and determine whether or not a man whose financial identity has been established to be one where there is some 22 to forty-one thousand dollars of difference in his net worth and expenditure picture for the two prosecution years might not have derived that additional money from one of these businesses which he had control over.

"Mr. Walsh: I object to this argument as not being sustained by the evidence, and I move for a mistrial.

"The Court: Overruled. Jury has heard the evidence, they'll decide this case from the evidence, arguments of counsel are not evidence. Proceed." (O.D.A.228)

There is now uncontroverted evidence that directed the Internal Revenue Service not to proceed with its collection of employees' withholding tax against Peter Balistrieri, the brother of this defendant. This appears from Defendant's Exhibits 1 and 2, each of which contains a Revenue Officer report of investigation dated January 20, 1964 concerning Tower Tavern, Inc., 716 North 11th Street, Milwaukee 3, Wisconsin, and which shows responsible officers and employees as "Peter Balistrieri, 1640 N. Jackson Street, Milwaukee

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2, Wisconsin, amount of penalty recommended, \$3,062.93."

On Page 2 of said report, there is a purported history of the action, which continues on Page 3 and demonstrates that "Peter Balistreri had general supervision over the affairs of the corporation", that he signed the tax returns, that he signed the checks, and that he should be assessed.

Following this report, there is a note to the Acting District Director at Milwaukee dated September 2, 1966 stating that referral of Peter Balistreri's liability was made to the Intelligence Division in February of 1965 and September of 1965, requesting permission to secure waivers to extend statutes. The report further states that on October 14, "a reply was received from the Acting Chief of Intelligence that present instructions received from [redacted] Assistant U. S. Attorney, Collection Division, was not to secure waivers". There is a further note that the assessment was made against one of the responsible officers, Peter Balistreri, for the amount of the trust fund portion of the tax, and that this was a satellite case to the criminal case of Frank P. Balistreri pending in the Intelligence Division.

Thus, at the time of his argument as portrayed above, Assistant United States Attorney [] had directed that no action be taken which would disclose the Government's knowledge that Peter Balistrieri was the responsible officer of Tower Tavera, Inc.

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This was evidence which could well have affected the jury's conclusion.

Certainly, if known to the judge, he might have ruled differently upon [] argument and would have been justified in granting a mistrial for the cumulation of errors by [] that is, his acknowledged erroneous conduct in asking over objection and after warning by the Trial Judge, about convictions of defense witnesses, where he had no knowledge of any such convictions and in fact none existed (O.D.A. 178-179, 185-186, 227).

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Brady v. Maryland, 373 U.S. 83, and many cases that have followed it, warrant the reversal of this judgment for this apparent wilful withholding of evidence which would have been of assistance to the defense and which, if known to the jury, might have affected its verdict, and indeed no one can say with certainty that it would not have affected the verdict.

Brady v. Maryland, 373 U.S. 83, Chapman v. California, 386 U.S. 18, 22; United States v. Looker, 393 F.2d 64, C.A. 7, 1968.

B. In the case at bar, the government relied upon the Midwest Scrap Metal Company income as being the source of the defendant's income. The defendant did not show income from this Company on his income tax returns, and thus if there was unlimited income from this source or sufficient income from this source to reasonably account for the increased net worth, then the element would have been proved. However, in the case at bar, Agent [] contended a tax deficiency for 1959 of \$8,828.34, and a tax deficiency for 1960 of \$11,752.83 (O.D.A. 175). To prove the source of income which would require the payment of \$8,828.34 in tax for 1959, the government offered a gross profit on its Exhibit 468 of \$3,071.45. To show a source of income which would cause a tax deficiency for 1960 of \$11,752.83, the government offered Exhibit 469 showing a gross profit on sales of scrap metal for that year of \$2,163.05 (O.D.A. 175).

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q The Government's evidence included the charts prepared and testified about by Agent [] of the Internal Revenue Service, a claimed expert. He introduced the mentioned two charts purporting to show profits from Midwest Scrap Metal transactions. Each of these charts was headed, "Frank Peter Balistreri" with the caption, "Profit on Sales of Scrap Metal for the Year Ended December 31, 1959", Exhibit 468, and Exhibit 469 was similarly labeled for the Year Ended December 31, 1960 (O.D.A. 175). Although the charts themselves show that the payments were to S. Curro by check, the government's accountant assumed that the income was that of Frank Balistreri. Curro, called to the witness stand for the government out of the presence of the jury, refused to answer the questions of the government and the defense regarding his ownership of the Midwest Scrap Metal under the Fifth Amendment. Of course, his testimony was a nullity and proved nothing.

The total of the profit attributed to Frank Balistreri, the defendant, for the two years, respectively, was \$5,234.50.

The defendant has secured the production of the income tax returns of Peter F. and []

for the calendar year 1961. These returns were introduced at the hearing below with a request for new trial to prevent manifest injustice, as Defendant's Exhibits 4 and 5. The return of Peter F. and [redacted] Defendant's Exhibit 4, shows that he reported \$2,620.28 as income from "Other Sources" on Schedule B attached to the return, "Sale of Scrap Metal, \$2,620.28".

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Defendant's Exhibit 5, the income tax return of [redacted] [redacted] shows the same amount reported as income from the sales of scrap metal, and each return shows the payment of tax thereof by the respective parties. The evidence showed that all transactions in Midwest Scrap Metal Co. ended in 1960, according to Agent [redacted]. Apparently, then, [redacted] and Peter Balistreri and his wife were late in recognizing their profit from Midwest Scrap Metal Sales and reported each 1/2 of the total amount that was charged against Frank P. Balistreri by Agent [redacted] on his conjecture that it was Balistreri's profit, although his conclusion was largely based upon [redacted] participation in the transactions and the fact that she was a secretary and bookkeeper for Frank P. Balistreri. It is now obvious that these facts reported

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to the government in the income tax returns, which are Defendant's Exhibits 4 and 5 for the hearing on Motion for New Trial, if taken into consideration by Agent [] in his computation and testimony, and reported to the jury and to the Judge, would have cast reasonable doubt on the validity of the only substantially indicated undeclared source of income which was charged against Frank P. Balistreri, the defendant.

Again, the inferences to be drawn from this evidence, known to the government, would have been favorable to the defendant and might reasonably have affected the verdict, to an extent where no one can say with certainty that the verdict would not have been different if this evidence was exposed to the jury and considered in the Agent [] computations, Brady v. Maryland, 373 U.S. 83; Chapman v. California, 386 U.S. 18, 22.

II.

THE GOVERNMENT HAS NOT AND CANNOT PURGE THIS PROSECUTION OF THE TAIN OF UNLAWFUL ELECTRONIC EAVES-DROPPING, AND THUS THIS COURT SHOULD EXERCISE ITS SUPERVISORY POWERS AND REVERSE THE CONVICTION HEREIN.

"EXTREME CAUTION MUST BE EXERCISED IN THE USE OF THIS MATERIAL. THIS INFORMATION IS NOT TO BE USED IN THE BODY OF A REPORT EVEN THOUGH PARAPHRASED. IT SHOULD NOT BE USED IN LEAD COVERAGE OR AS THE BASIS OF AN INTERVIEW WITHOUT SPECIFIC CLEARANCE FROM THE BUREAU AND CHICAGO. EVERY EFFORT MUST BE MADE TO FULLY PROTECT THIS SENSITIVE SOURCE."

(Exhibit: "Government Paper 2")

The foregoing quotation from an eavesdropping disclosure demonstrates the attitude of the F.B.I. and the Government with regard to information developed by electronic eavesdropping. It appears on the first page of one of the communications between the Special Agent in Charge in Chicago to the Director of the Federal Bureau of Investigation in Washington, with copies to other field sources, furnished the Court and defendant in the hearing on remand below.

It is respectfully submitted by the defendant that this

attitude is the cause of the partial and piecemeal disclosures of eavesdropping which have caused repeated demands in various cases throughout the nation. It is obvious that such secrecy was maintained over the development of such material, the destruction of the best record, that is, the tape recording, and the transmission of information concerning the eavesdropped material, that it is impossible to obtain a total truthful discovery and disclosure of the eavesdropping, and that the defendant is unable to demonstrate its extent and substance. The Government has put itself in a posture where it cannot extricate itself from the guilty position of having unlawfully eavesdropped by the use of tape recordings from microphones placed in rooms, and telephone interceptions, and cannot purge itself or prove that its prosecution is free of taint. To place this impossible burden on the defendant is contrary to the theory of the law which holds that where the government becomes custodian of evidence for its own benefit, it is its duty to keep the evidence in such a manner that it will be available for use upon trial by all parties, United States v. Consolidated Laundries Corp., 291 F.2d 563, 579.

In the case at bar, it has been substantially conceded by the United States that it could not proceed upon the conspiracy count returned, which was Count 1 of the indictment herein, because certain of the overt acts charged unquestionably had their basis in unlawful electronic eavesdropping. These matters are reflected in Paragraph 10 of Count 1 of the indictment as follows:

"It was part of said conspiracy to deprive the United States of its right to and interest in the conscientious, faithful, disinterested, unbiased and honest services of duly appointed employees of the Internal Revenue Service."

(R.5, O.D.A. 26)

This allegation was based upon evidence obtained by electronic eavesdropping by then F.B.I. Agent John A. Holzman.

If the evidence admittedly tainted by having been the result of a lead obtained from electronic eavesdropping, was such as to cause the Grand Jury to charge that the defendant Balistrieri had conspired to deprive the United States of the honest services of duly appointed employees of the Internal Revenue Service, then that Grand Jury was biased and prejudiced against Balistrieri in its consideration of whether he had attempted to defeat the Government tax collections by filing a fraudulent return. It is inconceivable that anyone would

believe that a Grand Jury could give fair consideration to the tax fraud charges where it was indicated to it as a result of electronic eavesdropping that the defendant had attempted to influence Treasury Agents so that they would not give honest service to the Government in connection with a conspiracy to defeat the taxpayer-defendant's income taxes.

[] was the alleged co-conspirator with the defendant in Count 1 of the indictment. It was proved that by unlawful electronic eavesdropping, [] had been heard to indicate that she had forged signatures on certain business and tax documents in connection with the defendant Balistreri's business.

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Can it be said that this Grand Jury now was unaffected concerning the defendant Balistreri, and the charge of his attempted tax invasion contained in Counts 2 and 3 of the indictment? The real question for the Court is whether the Government has purged itself of the taint of unlawfulness from its surreptitious activity in eavesdropping which consisted of both wiretapping, that is, telephone interception, and the planting of bugs or microphones after unlawful entry.

into rooms of prospective defendants, and transmission of conversations overheard by the microphones to F.B.I. Agents in other rooms or over telephone wires to their office. Does the Court have full disclosure? After this case was affirmed once by the Court of Appeals and Certiorari denied by the Supreme Court, the Solicitor General discovered there was more eavesdropping. True, this material apparently does not bear upon any charge of tax evasion. The question the defendant presents to the Government and the Court is that there has been no adequate showing that this is the total of the eavesdropping, and that the evidence presented on trial is untainted.

The evidence presented to the Grand Jury was tainted as is demonstrated by the dismissal of Count 1 (R. 142, A.), which contained overt acts and charges clearly and admittedly based upon eavesdropping. Did not Counts 2 and 3 suffer the same defects of origin from a biased grand jury?

It is very apparent that it cannot be said with certainty that there is not more unlawful electronic eavesdropping

product lying in the possession of the government, indeed its Department of Justice.

The destruction of real evidence which would disclose the truth concerning eavesdropping, that is, the tapes, justifies this Court in exercising its supervisory power over the administration of justice by reversing the conviction. Kyle v. United States, 297 F.2d 507, 511. The origin of the prosecution by presentation of tainted evidence which probably caused the charges in all three counts invalidates the indictment.

CONCLUSION

For the foregoing reasons, the judgment of the District Court should be reversed.

Respectfully submitted,

MAURICE J. WALSH

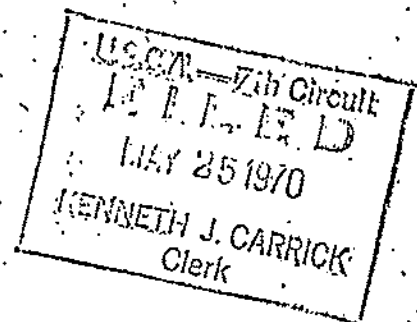
Attorneys for Appellant.

Of Counsel:

DOMINIC FRINZI

May, 1970.

CERTIFICATE OF MAILING



I hereby certify that I have served enclosed Brief for
Appellant
Defendant/Frank Peter Balistrieri to the following persons,

[Redacted] Attorney

Department of Justice
Washington, D. C. 20530

Mr. Frank J. Violanti
U. S. Attorney
Springfield, Illinois

Mr. David J. Cannon
United States Attorney
U. S. Courthouse
Milwaukee, Wisconsin 53202

by placing same in envelopes, properly addressed, with sufficient
United States postage affixed to the envelopes, and same deposited
in the receptacle for United States Mail located in Barrister
Hall, 29 South LaSalle Street, Chicago, Illinois, on the
25th day of May, 1970.

[Redacted]
One of the Attorneys for
Defendant-Appellant Frank P.
Balistrieri.

RECEIVED

MAY 26 1970

United States District Court
Eastern District of Wisconsin

IN THE
UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

NO. 18223

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

vs.

FRANK PETER BALISTRIERI,

Defendant-Appellant.

Appeal from the United States District Court for the
Southern District of Illinois, Southern Division.

Honorable Omer C. Poos, Judge Presiding.

APPENDIX FOR DEFENDANT-APPELLANT

MAURICE J. WALSH

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161 W. Wisconsin Avenue
Milwaukee, Wisconsin

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INDEX TO APPENDIX

PAGE

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APPENDIX FOR DEFENDANT-APPELLANT

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The docket entries prior to June 19, 1969, have been printed in the Appendix filed in this Court under the title, United States of America v. Frank Peter Balistreri, No. 16639, copies of which have been filed as exhibits in this appeal.

PETE, PRINT DOCKET ENTRIES BEGINNING
WITH JUNE 19, 1969

Pleadings which were part of the record prior to June 19, 1969, have been printed in the Appendix filed in this Court under the title, United States of America v. Frank Peter Balistreri, No. 16639, copies of which have been filed as exhibits in this appeal.

- 115 Order of United States Supreme Court. PRINT HERE
- 116 Opinion of U. S. Supreme Court. PRINT HERE
- 118-125 Motion for New Trial. PRINT, LEAVING OUT CAPTION.
- 125-126 Motion for Production. PRINT, LEAVING OUT CAPTION.
- 127-129 Motion for Production of Surreptitiously and Illegally Obtained Eavesdropping Material. PRINT, LEAVING OUT CAPTION.

132 Judgment and Commitment filed October 9, 1969, adjudging
defendant guilty and sentencing him to two (2) years on
Count Two (2) and two (2) years on Count Three (3), said
sentences to run concurrently and subject to 18 U.S.C. 4208(a)(2)
and the defendant fined \$5,000.00 on each of Counts Two (2)
and Three (3) for a total fine of \$10,000.00.

133 Motion To Dismiss Indictment. (PRINT, LEAVING OUT CAPTION)

134 Motion To Dismiss Count 1 As To Frank Peter Balistrieri and
[REDACTED] Defendants. (PRINT, LEAVING OUT CAPTION)

135 Demand For Immediate Trial. (PRINT, LEAVING OUT CAPTION)

136 Order. (PRINT, LEAVING OUT CAPTION)

138-141 Order. (PRINT, LEAVING OUT CAPTION)

142 Judgment And Commitment filed December 8, 1969, adjudging
defendant guilty and sentencing him to two (2) years on
Count Two (2) and two (2) years on Count Three (3), said
sentences to run concurrently and subject to 18 U.S.C. 4208(a)(2)
and the defendant fined \$5,000.00 on each of Counts Two (2)
and Three (3) for a total fine of \$10,000.00 and taxed the
costs of \$4,670.40.

143 Notice of Appeal. (Filed December 17, 1969) PRINT, LEAVING OUT
CAPTION.

144 Designation of Record.

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FBI

Date: 5/22/70

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL AIR MAIL
(Priority)

TO : DIRECTOR, FBI (92-3116)
 FROM : SAC, MILWAUKEE (94-316)-R
 SUBJECT : FRANK PETER BALISTRIERI, aka
 AR

OO: Milwaukee

Enclosed are two copies for the Bureau and Chicago and one copy for Los Angeles of a newspaper article entitled, "Crime in Milwaukee Described to Court", which appeared in the 5/21/70 edition of the "Milwaukee Journal".

The Bureau may wish to furnish copies of this article to [redacted] Departmental Attorney, who is handling civil wire tap suits recently instituted by BALISTRIERI and his associates against former Bureau Agents and the Wisconsin Telephone Company.

Copies of this newspaper article are being furnished to Chicago and Los Angeles for information in view of subjects mentioned in these articles.

ENCLOSURE

- 2-Bureau (92-3116) (Encls 2) (AM)
- 2-Chicago (Encls 2) (Info) (Regular Mail)
 - (1-Attorney in Charge, AIC, JAMES J. FEATHERSTONE)
- 1-Los Angeles (92-357) (Encls 1) (Info) (AM)
- 8-Milwaukee
 - (1-94-316) (BALISTRIERI)
 - (1-92-158) (LOCOCO)
 - (1-165-13) (SANSONE)
 - (1-92-717) (J. BALISTRIERI)
 - (1-92-165) (DE SALVO)
 - (1-165-45) (MACHI)
 - (1-165-272) (MIRR)
 - (1-92-262) (LCN)

Deleted Copy Sent Frank Balistrieri
 by Letter 8/19/76, jmc
 Per FOIA Request

REC-97/

MAY 25 1970

DEB:sbl
 (13)

ICC TO DEPT. ATTY

6-2-70

Approved: _____
 Special Agent in Charge

Sent _____ M Per _____

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(Mount Clipping in Space Below)

Crime in Milwaukee Described to Court

Organized crime in Milwaukee — including bookmaking operations and concealed financial transactions—was described in a document entered into court records in Los Angeles Wednesday.

The report was made by Asst. US Atty. Gerald F. Uelmen to Federal Judge A. Andrew Hauk in the case of a former Milwaukeean — Andrew Lococo, who was convicted of perjury in Hauk's court April 16.

Lococo, 51, was convicted of lying before a federal grand jury June 26, 1969, when he denied speaking to Ray Mirr, a convicted Milwaukee gambler, over the telephone in the previous year.

The grand jury was investigating the fixing of horse races in California and Florida through dope, bribes and other means.

Sentencing on Monday

Lococo is to be sentenced at 2 p.m. Monday.

Uelmen made the report as a recommendation to Hauk in "the interests of justice in achieving uniformity in sentencing, the effectiveness of jail sentences in perjury cases as a deterrent and the criminal background and organized crime affiliations of Lococo."

Uelmen's report was compiled from the files of the FBI, federal narcotics division files, internal revenue service investigations, the intelligence division of the Los Angeles police department and confidential sources.

Uelmen said that Frank P. Balistrieri, head of the Milwaukee Cosa Nostra family, obtained a \$125,000 loan from a Milwaukee bank after Frank H. Ranney, secretary-treasurer of Teamsters Local 200 here, told the bank that a large

teamster deposit would be made if the bank granted a loan to Frank Balistrieri through Balistrieri's attorney son, Joseph. A \$500,000 deposit from the Teamster Central and Southern States Pension Fund, of which Ranney is a trustee, was made Sept. 10,

1968, and on the same day a \$125,000 loan was made to Joseph Balistrieri, Uelmen's report said.

Restaurant in Suburb

Uelmen said that Lococo also attempted to use Frank Balistrieri's influence in obtaining a Teamster loan for an expansion to Lococo's hotel and restaurant in Hawthorne, a suburb 15 miles south of Los Angeles.

The report also indicated that Balistrieri headed an extensive bookmaking operation in the Milwaukee area and that it had connections in California.

One of Balistrieri's close associates, Steve De Salvo, operated a bookmaking business out of Fazio's Restaurant and Cocktail Lounge, 634 N. 5th St., Uelmen said. The report did not give dates for the operation.

Uelmen also said that Balistrieri frequently used his son, Joseph, as a cover to conceal the elder Balistrieri's financial transactions.

Part of the verbatim report, submitted in writing as part of the court record, follows:

"In 1948, the defendant (Lococo) purchased an interest in the Cockatoo Cafe in Hawthorne, becoming sole owner a

short time later. By the defendant's own admission, bookmaking activities were carried on at the Cockatoo at this time. The defendant was arrested on a bookmaking charge by the Los Angeles County sheriff's officers on Sept. 21, 1949.

Had Fire in 1958

"The Cockatoo was destroyed by fire Jan. 29, 1958, and reopened as the Cockatoo Inn in October, 1958. Since that time, a Cockatoo Hotel has been added, and considerably expanded. Frequent allegations concerning prostitution and gambling activity at the establishment have been made in the course of the past 20 years. However, local authorities have indicated they have found no evidence to support these allegations. It has been suggested they are in a position to know, since the 'city fathers' are frequently Mr. Lococo's guests at the Cockatoo Inn.

"In November, 1958, the defendant was subpoenaed before the Rackets Committee of the California State Assembly. He declined to answer questions.

Heavy Betting Reported

"More recently, the defendant has been known as a very large bettor, both on horse races and sporting events. He is a frequent patron of the racetrack, where he has been seen in the company of many of the leading members of the Los Angeles 'Cosa Nostra' family, including Frank Desimone, now deceased, who attended the 1957 Appalachian conference, and Nick Lacata, identified as the present boss.

(Indicate page, name of newspaper, city and state.)

A-1
THE MILWAUKEE JOURNAL
MILWAUKEE, WISCONSIN

Date: 5/21/70

Edition: LATEST

Author:

Editor: RICHARD F. LEONARD

Title:

FRANK PETER
BALISTRIERI

Character:

or

Classification: 92-

Submitting Office: MILWAUKEE

☐ Being Investigated

ENCLOSURE

92-3116-642

of the family. Lococo has also been reported as the source of large 'layoff' bets, including a wager placed through William Lawler, as evidence produced in this trial disclosed.

"Throughout the past 30 years, the defendant has maintained close relationships with many Milwaukee racketeers, a number of which relationships were disclosed in the course of this trial.

The closest associates of the defendant include the following:

"A. Frank P. Balistreri:

"Frank P. Balistreri was publicly identified as head of the Milwaukee 'family' of the Cosa Nostra by Sen. McClellan on March 11, 1969. Balistreri, who operates a string of six Milwaukee nightclubs, in most of which his interest is concealed by having the licenses held in the name of relatives and associates, is presently appealing a 1967 conviction of income tax evasion upon which he was sentenced to two years' imprisonment.

"Balistreri reportedly takes his orders from Felix (Milwaukee Phil) Alderisio, notorious Chicago racketeer presently serving a prison sentence for transmitting murderous threats in interstate commerce. Balistreri's relationship to Alderisio was recently confirmed in a petition to the Supreme Court on Balistreri's behalf. In it, Atty. Edward Bennett Williams disclosed that Alderisio admitted Balistreri had been a frequent visitor to premises used by Alderisio at 645 N. Michigan Ave. in Chicago in 1964 and 1965. The 'bugging' of these premises had been disclosed in the course of

a hearing last year before Judge Warren J. Ferguson of this court.

"The relationship between

the defendant, Andrew J. Lococo, and Balistreri is an extremely close one involving numerous financial ties. As disclosed by the evidence in this trial, at least 21 telephone calls were made from the defendant's office at the Cockatoo restaurant to Balistreri in Milwaukee in a six month period, most of them person to person to Frank Balistreri. Several of the calls, interestingly enough, were made person to person to Balistreri at Milwaukee nightclubs in which his interest is concealed: 'The Scene' at 624 N. 2nd St. in Milwaukee, and the 'Kings IV' at 720 N. Water St. in Milwaukee. Calls were also placed to Balistreri's home and charged to the Cockatoo credit card from Washington, D. C., and Cicero, Ill., at times when the defendant was in these locations.

"The defendant's explanation of these calls as being to 'Joseph Balistreri,' his attorney, to negotiate a loan from the Teamsters' fund in Chicago for expansion of his hotel, is especially interesting in light of these facts:

"A. Joseph Balistreri is the 28 year old son of Frank Balistreri, and has frequently been used as a 'cover' to conceal his father's interest in various financial transactions. For example, a joint account with Joseph was one of the devices used by Balistreri to conceal his assets, as disclosed in his tax evasion trial.

"B. Frank Balistreri is known to be a close associate of Frank H. Ranney, secretary of a Milwaukee Teamsters' local. In September of 1968, a Milwaukee bank was approached by Joseph Balistreri for a loan of \$125,000 to purchase a building in which a Milwaukee nightclub was lo-

cated. After the loan was initially turned down, Frank H. Ranney contacted the bank and informed them a large deposit of Teamster union pension funds would be available if the bank, in turn, granted a loan to Frank Balistreri through his son, Joseph.

"On Sept. 10, 1968, the bank received a deposit of \$500,000 cash from the Central States, Southeast and South West Areas Pension Fund of the teamsters' union, of which Ranney was a trustee. On the same day, a commercial loan of \$125,000 to Joseph Balistreri was granted by the bank. Two weeks later, an additional loan of \$63,000 was approved.

"Thus, it is readily apparent that Lococo was seeking to use Frank Balistreri's influence to secure teamster financing for expansion of the Cockatoo hotel. Reliable information has also been received that Balistreri sought to assist Lococo in the financing of a \$1 million tuna boat venture which was never consummated.

"It should be noted that in his testimony before the grand jury in this case, the defendant denied ever having any business transactions or connections, whatsoever with Balistreri, and stated he could not remember the last time he had spoken by telephone to Balistreri. The 21 calls revealed in this trial were made in the six months immediately preceding the defendant's grand jury appearance.

"Lococo has been known to confer with Balistreri frequently in the course of numerous trips to Milwaukee, and reliable sources indicated that Balistreri, accompanied by Steve De Salvo and Tony Petrolle, also known as Tony Machi, was a guest of Lococo's at the Cockatoo in late December, 1968. In his June 26, 1969, appearance before the grand jury, the defendant denied having seen Balistreri in California during the previous year.

"In a subsequent appearance on Sept. 4, 1969, the defendant was ordered to pro-

duce all registration records for the Cockatoo for Balistrieri, De Salvo and Machi. None were produced for Balistrieri or De Salvo, and the defendant declined to answer whether they had ever stayed at the Cockatoo. A registration record was produced, however, under the name 'T. Machi,' indicating three guests staying at the Cockatoo Dec. 27-30, 1968, all 'compliments' of the house.

"Andrew Lococo can make no claim that he was unaware of Balistrieri's background as a racketeer. In January of 1965, when asked if he would assist the FBI by providing information regarding criminal activities, he responded that he had friends in Milwaukee who were reputedly hoodlums, mentioning Buster (Frank) Balistrieri by name. At that time, he indicated he would be reluctant to assist the FBI with regard to Balistrieri, since he was up with him, they pulled down together and even committed minor violations of the law together."

"B. Steve De Salvo:

"De Salvo, a Milwaukee bookmaker, has been identified as a member of Balistrieri's Milwaukee 'family' of the Cosa Nostra. He was known to operate a bookmaking operation out of Fazio's restaurant, operated by Frank and Anthony Fazio on 5th St. in Milwaukee. De Salvo has been identified as a visitor to the Cockatoo in late December, 1968, with Balistrieri and Machi.

"In his grand jury appearance, the defendant said he did not remember ever seeing Balistrieri and De Salvo together, but admitted De Salvo had 'stopped by' in California with Tony Machi in the previous year.

"C. Thomas and Tony Petrolle, also known as Machi:

"Both Machis are known

bookmakers in the Milwaukee area. Both are frequent recipients of telephone calls from the defendant's office at the

Cockatoo and the defendant's residence. In the six month period between October, 1968, and April, 1969, there were seven such calls to Tony Machi in Milwaukee, and 10 calls to

Thomas Machi. Tony Machi is also a frequent visitor to the defendant's hotel, having registered there March 9-11, 1968; Dec. 2-5, 1968; Dec. 27-30, 1968 (with De Salvo and Balistrieri), and Jan. 13-16, 1969. All of these stays were 'compliments of the house.'

"Tony Machi also accompanied Lococo on a fishing trip to Mexico in January, 1969. Other than the belief he 'had a bar' in Milwaukee, the defendant professed ignorance as to Machi's occupation or source of income.

"D. Frank L. Sansone:

"The 117 calls to Sansone's residence during a four month period, from both the defendant's residence and office, as well as credit card calls from other locations, are a matter of record in this case. How many of these calls were made by the defendant, and how many by his brother, Nick, remains a mystery, but it is most unlikely these calls were just to 'talk football.'

"Sansone has long been known as a Milwaukee bookmaker, operating under the patronage of the Balistrieri organization. On Nov. 24, 1969, Sansone was arrested by FBI agents on charges of interstate transmission of wagering information. Arrested at the same time, in Las Vegas, Nev., was Sansone's son, who was observed calling 'line information' to his father from Las Vegas. Numerous betting markers and other wagering paraphernalia were seized in Sansone's Milwaukee home at the time of his arrest. Sansone has several prior gambling convictions, and once served a prison term for Mann act (white slave traffic) offenses.

"He was a guest (compliments of the house) of Lococo's at the Cockatoo on the occasion of his appearance before the grand jury July 17-18, 1969.

"The defendant is known to be a frequent associate of a number of individuals in the Los Angeles area who are known to be engaged in bookmaking and related activities."

Ranney had no comment. Neither Balistrieri could be reached for comment.

During Lococo's trial, which lasted a week, US Atty. Uelmen introduced evidence showing that Lococo had made at least eight calls to Mirr's home, 1259 N. 72nd St., Wauwatosa, or to his business, Technic Dental Laboratory, 2250 S. Kinnickinnic Ave., between June, 1968, and June, 1969.

Mirr admitted in court that he had talked by telephone to Lococo and to Lococo's brother, Nick, in the year before the grand jury investigation. Mirr had testified before the grand jury July 17, 1969, and Aug. 21, 1969.

Mirr was asked whether his telephone conversations with the Lococo brothers were about football and about odds on professional and college games. Mirr conceded that they had talked about football.

"I could never make predictions like that (point spreads)," said Mirr.

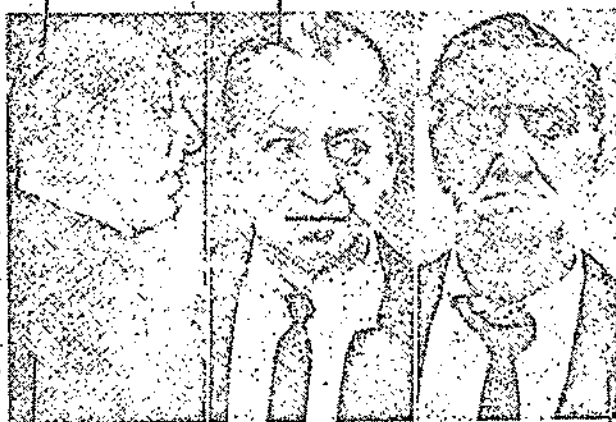


Frank Balistrieri



Ranney

J. Balistrieri



Steve De Salvo

Raymond Mirr

Frank Sansone

US Attorneys Oppose Balistrieri Hearing Bid

United States attorneys filed a brief in federal court here Monday opposing a move by Frank P. Balistrieri, a Milwaukee nightclub operator, and his former bookkeeper, for a secret adverse hearing in a \$2.75 million damage suit against federal agents and the Wisconsin Telephone Co.

The suit accuses the defendants of illegal spying and electronic eavesdropping.

Balistrieri and Miss Jennie Alioto, of 1634 N. Jackson St., contended in a brief filed last week that "the attractiveness of this case to newspapers is evident from the already ex-

tensive publicity surrounding the mere filing of the complaint and . . . motions."

Attorneys for Balistrieri and Miss Alioto also contended in their brief that subpoenas issued for the adverse hearing were so broad as to be "an attempted passport into a junket into areas of the plaintiffs' activities" outside the scope of the lawsuit.

"The defendants have no desire, as the plaintiffs seem to infer, to fight this case in the newspapers," the government said in the answer filed Monday.

The government's brief said

the "fact that Mr. Balistrieri may have gained national publicity in relation to other matters, or in relation to criminal charges against him, and the fact that he may consider himself a target for unfavorable comment by the local press in Milwaukee, is a matter without concern of these defendants, is a matter absolutely without their control and is a matter not particularly pertinent to the facts of this case or to Mr. Balistrieri's relationship to it."

In 1969, Sen. John L. McClellan (D-Ark.) described Balistrieri in a speech on the Sen-

ate floor as a member of one of the 22 principal families of the Cosa Nostra crime syndicate in the United States.

The briefs filed last week and Monday were on a motion by Atty. Joseph P. Balistrieri, representing his father, Frank, and Miss Alioto, to limit the questions that the defendants could ask at the hearing, to bar everyone from the hearing except the parties to the action and their lawyers, and to seal the transcript of the proceedings.

(Indicate page, name of newspaper, city and state.)

A-18

THE MILWAUKEE JOURNAL
MILWAUKEE, WISCONSIN

Date: 6/1/70

Edition: LATEST

Author:

Editor: RICHARD W. LEONARD

Title:

FRANK P. BALISTRIERI

Character:

or

Classification:

Submitting Office: MILWAUKEE

☐ Being Investigated

ENCLOSURE

42 - 3116 -

643

F B I

Date: 6/2/70

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL AIR MAIL
(Priority)

TO : DIRECTOR, FBI (92-3116)
 FROM : SAC, MILWAUKEE (66-950)
 SUBJECT : FRANK PETER BALISTRERI, aka
 AR

OO: Milwaukee

Re Milwaukee airtel to Bureau, 3/12/70, which referred to motions filed by the defense attorney in the subject's electronic surveillance civil suit.

Enclosed for the Bureau are 2 copies of a newspaper article appearing in the 6/1/70 issue of the "Milwaukee Journal" regarding motions filed in Federal Court in Milwaukee with regard to the subject's civil electronic surveillance suit.

USA DAVID J. CANNON, EDW, Milwaukee, advised on 6/2/70 briefs were filed in USDC, Milwaukee, by Departmental Attorney in the FRANK BALISTRERI and wire tap civil suits against ex-agents, a Bureau Supervisor and the Wisconsin Telephone Company.

These briefs were in answer to motions filed by plaintiffs' attorney to limit the scope of discovery hearings and to limit those attending the discovery hearings to all parties of interest and their attorneys.

Additional motions were filed on 6/1/70 by the attorneys for the Wisconsin Telephone Company to compel testimony by plaintiffs which was refused during initial adverse hearings and

2-Bureau (AM) (Encls 2) **ENCLOSURE**

3-Milwaukee (66-950)

(1-94-316 Sub 2)

DEB:sbl

(5)

REC-23 92-3116-643

1cc [unclear] 6/3/70
to [unclear] [unclear]

6/4/70
INDEXED

Approved:
Special Agent in Charge

Sent _____ M Per _____

F B I

Date:

Transmit the following in _____
(Type in plaintext or code)Via _____
(Priority)

MI 66-950

also to compel plaintiffs to produce records sought by subpoenas previously served on the plaintiffs.

Mr. CANNON said it was suspected further defense motions would be filed on 6/2/70 in these cases.

Attempts were made to secure copies of these motions for Bureau files but it was determined these copies would not be made available until after Judge MYRON L. GORDON had ruled on the motion for a protective order sought by the plaintiffs' attorney.

Mr. CANNON advised if it is necessary for the Bureau to have copies of these motions, they could be obtained through [redacted] Departmental Attorney.

b6
b7c

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

F B I

Date: 6/5/70

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL AIRMAIL
(Priority)

TO : DIRECTOR, FBI (92-3116)

FROM : SAC, MILWAUKEE (94-316) (P)

SUBJECT: FRANK PETER BALISTRIERI
AR

Enclosed for the Bureau are two copies of a newspaper article appearing in the 6/4/70 edition of "The Milwaukee Journal," entitled, "Ranney Denounces Statement on Loan."

The Bureau may desire to make copies of this newspaper article available to Departmental Attorney [redacted] who is handling the civil wiretap suits involving ex-Agents and the Wisconsin Telephone Company.

2 - Bureau (92-3116) (Encls. 2) (AM)
3 - Milwaukee (94-316)
(92-262)
(92-158)

DEB/kdb
(5)

REC-40

92-3116-644

JUN 8 1970

NINE

JUN 18 1970

Approved: _____
Special Agent in Charge

Sent _____ M Per _____

Ranney Denounces Statement on Loan

Frank H. Ranney, secretary-treasurer of Teamsters Local 200, has denounced a federal attorney's statement that Ranney influenced a Milwaukee bank to lend Frank Balistreri \$125,000 through his son, Joseph.

Ranney also assailed The Milwaukee Journal for printing the attorney's statements, which were entered into court records May 20 in Los Angeles.

In giving his answer in the Wisconsin Teamster, a monthly union newspaper, Ranney identified the Continental Bank & Trust Co. as the bank that made the loan in September, 1968. Asst. US Atty. Gerald F. Uelmen did not mention the bank by name when he described the loan in a document entered into Federal Court records.

Howard Meister was president and principal owner of the bank at the time of the loan, but is not connected with it now. Last year he sold his shares to Universal Telephone Co., which has controlling interest now.

Gives Details

Ranney also revealed details of the loan that had not been made public previously.

He accused The Milwaukee Journal of "antiunion, yellow journalism" because it printed Uelmen's statements, which were made after the perjury conviction of Andrew Lococo, a former Milwaukeean, in the Los Angeles Federal Court.

Lococo, now awaiting sentence, was convicted of lying to a federal grand jury when he denied speaking on the tele-

phone to Ray Mirr, a convicted Milwaukee gambler.

Uelmen said Lococo had "maintained close relationships with many Milwaukee racketeers." He said Lococo's closest associates included Frank P. Balistreri, who "was publicly identified as head of the Milwaukee 'family' of the Cosa Nostra by Sen. McClellan on March 14, 1969."

"A Large Deposit"

Uelmen said Balistreri was a close associate of Ranney and that Ranney told the bank in September, 1968, that (in Uelmen's words) "a large deposit of Teamster Union pension funds would be available if the bank, in turn, granted a loan to Frank Balistreri through his son, Joseph."

Uelmen said Joseph, an attorney, "has frequently been a cover to conceal his father's interest in various financial transactions."

Uelmen said the bank got a \$500,000 deposit from the pension fund Sept. 10, 1968, "on the same day, a commercial loan of \$125,000 to Joseph Balistreri was granted by the bank. . . . Two weeks later, an additional loan of \$63,000 was approved," Uelmen's statement continued.

Ranney was asked by Journal reporters to comment on Uelmen's statement both before and after it was printed. He declined both times, but broke his silence in the June issue of the Teamster.

"Kennedy Clan"

In a signed article, he accused The Journal of joining hands with "the infamous character assassin, Sen. John McClellan of Arkansas, and the anti-Teamster Kennedy clan, with the obvious attempt

to use McCarthyism to smear and destroy."

He wrote:

"I have known the Balistreri family for over 30 years — in fact from the time Frank Balistreri's father and uncle signed their first contract with Local 200.

"My son even drove a truck for Mr. Balistreri and became a friend of his grandson, Joseph Balistreri, who is now a capable and successful attorney. . . ."

Ranney, one of the trustees of the pension fund, said the fund had an income of more than \$12 million a year.

Tells of Timetable

"This vast amount of money must be invested the day it is received by the fund in order for the fund to have the earnings necessary to pay employees' pensions to which it is committed," Ranney wrote.

"A timetable of available funds that must be set aside to meet the commitments for the purchase of securities, mortgage loans and the payment of pensions is kept by the fund's staff. Pensions are now being paid out at the rate of in excess of \$60 million per year.

"Incoming money that is not immediately needed for this purpose cannot be left idle in a checking account. It must be invested in short term securities."

Ranney said that for a long time, certificates of deposit were the best form of short term investment. Short term, government bonds are now, he continued.

"However, the fund, at the discretion of its staff, now uses both of these sources," he said.

"No funds are ever invested in any venture unless the fund's certified public accountant certifies that the income of this project will adequately service the loan and the fund's certified appraiser certifies that the fund has adequate security for its loan."

"No loan from the fund has ever been made to any Balistreri."

He continued:

"The West Side Bank has always been considered from its early beginning as a 'union bank,' a bank in which most unions kept their funds and conducted their bank business.

"It has always been operated by union minded management. The bank has now moved from its old location at 3rd and Juneau to 8th and Wisconsin and has changed its name to the Continental Bank & Trust Co.

"Many unions, including Local 200, still use this bank for many of their banking needs. The personnel of this bank are aware of the Central States Pension Fund's need to make short term investments and has, from time to time, sought

to sell certificates of deposits to the fund.

"Many banks in the Milwaukee area in the past have, from time to time, been used as investment agents for the pension fund, including the old West Side and now Continental Bank & Trust Co.

"When I became a trustee of the pension fund, the president of Continental Bank asked if it were possible for them to receive consideration for another certificate of deposit. I forwarded the request to the executive secretary of the fund and subsequently a 90 day certificate of deposit in the amount of \$500,000 was purchased from the Continental Bank by the fund.

"It was subsequently renewed for another 90 days and then withdrawn to be used according to the staff's timetable of investments.

"Any bank official that would make a 10 year mortgage loan to Joseph Balistreri or anyone else on the basis of a 90 day certificate of deposit would, on the first examination by state bank examiners, be called to task and, if he didn't correct it, would find his bond canceled and the bank would be subject to penalties for not complying with legal banking procedures.

"Anyone with banking knowledge, that certainly The

Milwaukee Journal has, would know that a bank could not make a loan without proper security enabling the bank to be protected in the case of default. A bank doing this would be in serious trouble with both the state and federal governments."

Ranney added:

"The Journal Company reporters have been apprised of these facts by myself and have investigated them but, instead of printing the truth, it seeks to destroy anyone who will not knuckle under to The Journal policy by using innuendos, half truths, and guilt by association."

In March, 1969, Ranney acknowledged to a reporter that he arranged for the deposit of \$500,000 in pension fund money in the Continental Bank.

He said it was done at the insistence of Meister and was in no way connected with the loan to Joseph Balistreri.

Those were the only statements Ranney ever made to The Journal about the fund or the loan. He was questioned because of statements that Meister had made.

Reached at his bottling company here, Meister said Thursday that the relationship between a banker and client was confidential and that he could not comment.



Frank (left) and Joseph Balistreri



Meister

Ranney

F B I

Date: 6/12/70

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL _____
(Priority)

TO: DIRECTOR, FBI (92-3116)

FROM: SAC, MILWAUKEE (94-316)

SUBJECT: FRANK PETER BALISTRIERI
AR

On 6/12/70, Departmental Attorney [redacted] advised the following motions were heard before the Honorable MYRON L. GORDON, United States District Court Judge, Milwaukee, Wisconsin, this date:

Two motions were made to dismiss the summary judgments involving former SA CLARK E. LOVRIEN in the BALISTRIERI case and the matter involving former SA ALEXANDER P. LE GRAND in the [redacted] case. GORDON granted the dismissal of these judgments.

A motion was filed by BALISTRIERI and ALIOTO to make the deposition secret and seal the transcript; however, this was denied by Judge GORDON.

A motion was also filed by BALISTRIERI and [redacted] to modify the subpoena of the Wisconsin Telephone Company, which was granted by Judge GORDON stating they cannot secure the income tax returns of BALISTRIERI or the corporations with which he is affiliated or to obtain their records.

A motion was also filed to compel the testimony of BALISTRIERI and [redacted] case was adjourned until 6/26/70 and Judge GORDON denied the motion to compel the testifying of BALISTRIERI except in that matter affecting the Continental Music Sales.

The above is being furnished for the information of the Bureau.

(2) - Bureau (AM-RM)

3 - Milwaukee (1 - 94-316)

REC-110

(1 - 92-222) 15 1970

WJS:rah (5)

Approved: 5 JUL 1 1970 *EJH/n*
Special Agent in Charge

Sent _____ M Per _____

b6
b7cb6
b7c

F B I

Date: 7/31/70

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL AIRMAIL
(Priority)

TO : DIRECTOR, FBI (92-3116)

FROM : SAC, MILWAUKEE (94-316) (P)

SUBJECT: FRANK PETER BALISTRIERI, aka
AR

OO: MILWAUKEE

On 7/31/70, USA DAVID J. CANNON, EDW, Milwaukee, Wisconsin, made available copies of both the Defendant's and the Government's briefs, which were recently filed in the 7th Circuit Court of Appeals, Chicago, Illinois, in the BALISTRIERI income tax evasion appeal. Copies of these briefs are being forwarded to the Bureau herewith for information purposes.

2 - Bureau (92-3116) (Encls 2) (AM-RM)
2 - Milwaukee (94-316)
DEB/kdb
(4)

ENC. BEHIND FILE

REC 18

EX 105

72-3116-646
3 AUG 3 1970Approved: *[Signature]*

Special Agent in Charge

Sent _____

M

Per *[Signature]*

66 AUG 5 1970

F B I

Date: 8/3/70

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL AIRMAIL
(Priority)

TO : DIRECTOR, FBI (92-3116)

FROM : SAC, MILWAUKEE (94-316-Sub 2) (P)

SUBJECT: FRANK PETER BALISTRIERI
AR

OO: MILWAUKEE

JUNE

[redacted] Departmental Attorney, advised continued deposition hearings of FRANK PETER BALISTRIERI in connection with his civil electronic surveillance damage suit were held in Milwaukee on 7/29/70.

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BALISTRIERI was represented by his son, Attorney JOSEPH P. BALISTRIERI.

The first part of the questioning of BALISTRIERI was handled by MARVIN KLITZNER, Attorney for the Wisconsin Telephone Company, during which he completed the deposition previous started 2/11/70.

A second deposition was taken from BALISTRIERI by Departmental Attorney [redacted] during which BALISTRIERI was questioned in detail regarding the facts of the original complaint. BALISTRIERI furnished the following information:

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BALISTRIERI had little personal knowledge of the facts of the complaint other than that there had been eavesdropping, that he found a microphone, and also what he had learned during his recent income tax evasion trial. He

- 3 - Bureau (92-3116) (AM-RM)
4 - Milwaukee (1-94-316-Sub 2)
(1-66-950)

EX-100

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(1-92-222-Sub 2)

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(7)

AUG 11 1970

Approved: _____

Special Agent in Charge

Sent _____

M

Per _____

6 AUG 18 1970

MI 94-316-Sub 2

believed he met JOHN HOLTZMAN officially as an FBI Agent. He was not acquainted with SA [redacted] but believed him to be an FBI Agent who arranged with the Telephone Company for the installation of the microphone in his place of business. He was not sure if he had ever met ALEX LE GRAND, but believed he monitored the microphone and was a supervisory agent. BALISTRIERI had little knowledge of which Agents committed the specific acts mentioned in his complaint.

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BALISTRIERI did not know of or sense any deprivation or interference with his use of the premises where the installation was made. BALISTRIERI said the acts mentioned in the complaint constituted breaking and entering, burglary, and trespassing in violation of Wisconsin state laws. He stated the Bureau's purpose in making the installation was unlawful in that it was for the purpose of convicting him of income tax evasion in violation of his constitutional rights. BALISTRIERI claimed he was not seeking damages because of his income tax conviction or under the claim that tainted evidence was used to obtain this conviction.

Deposition hearings for [redacted] were held on 7/30/70, and she continued to be evasive in her answers to questions regarding her business dealings with BALISTRIERI. She claimed to have been humiliated by the indictments in the BALISTRIERI income tax case, which were dismissed. Her hearings will be continued at a later date.

[redacted] said he had discussions with Telephone Company attorneys regarding the possibilities of contacting [redacted] Attorney for DOMINIC FRINZI, regarding a possible settlement of the FRINZI suit.

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[redacted] further advised that previous to the BALISTRIERI deposition hearings, it was believed motions would be filed by the Government claiming Federal immunity for the Agents who participated in the installation; however, since the BALISTRIERI hearings were completed, it is now believed the Government and the Wisconsin Telephone Company will formulate an answer to the BALISTRIERI complaint, which will have to be filed within ten days of the completion of the BALISTRIERI deposition hearings.

FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE MILWAUKEE	OFFICE OF ORIGIN MILWAUKEE	DATE 8/31/70	INVESTIGATIVE PERIOD 6/17/69 - 8/27/70
TITLE OF CASE FRANK PETER BALISTRIERI, aka		REPORT MADE BY SA DANIEL E. BRANDT	TYPED BY rah
		CHARACTER OF CASE ANTI-RACKETEERING	

REFERENCE

Report of SA DANIEL E. BRANDT
at Milwaukee dated 6/16/69.

- P -

LEADSMILWAUKEE DIVISIONAt Milwaukee, Wisconsin

Will continue to follow process of subject's income
tax appeal case and maintain contact with sources regarding
the subject's current activities.

ACCOMPLISHMENTS CLAIMED						<input checked="" type="checkbox"/> NONE	ACQUIT- TALS	CASE HAS BEEN:
CONVIC.	AUTO.	FUG.	FINES	SAVINGS	RECOVERIES	None		
								PENDING OVER ONE YEAR <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO PENDING PROSECUTION OVER SIX MONTHS <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

APPROVED <i>[Signature]</i>	SPECIAL AGENT IN CHARGE	DO NOT WRITE IN SPACES BELOW	
COPIES MADE:		92-3116-648	REC-3
③ - Bureau (92-3116) (RM) 1 - USA, Milwaukee 1 - Chicago (Attorney-in-Charge, AIC, Chicago Field Office, SHELDON DAVIDSON) 2 - Milwaukee (94-316)		EX-113 SEP 4 1970	

Dissemination Record of Attached Report				Notations
Agency				
Request Recd.				
Date Fwd.				
How Fwd.				
By				

60 SEP 28 1970

COVER PAGE

MI 94-316

INFORMANTS

Identity

Date

Contacted By:

MI T-1 is [REDACTED]

SA DANIEL E. BRANDT

SA [REDACTED]

SA DANIEL E. BRANDT

"

"

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b7C
b7D

MI T-2 is [REDACTED]

SA DANIEL E. BRANDT

MI T-5 is [REDACTED]

SA DANIEL E. BRANDT

"

"

"

"

"

"

ADMINISTRATIVE

This report covers an extended investigative period; however, this case has been kept in a pending status through continuous investigation and interoffice communications.

On [REDACTED] advised JOSEPH JAMES SPINUZZI, LCN member from Pueblo, Colorado [REDACTED]

[REDACTED] Milwaukee LCN Boss FRANK PETER BALISTRERI [REDACTED]

b7D

On [REDACTED] advised [REDACTED]

b7D

[REDACTED] advised on [REDACTED] that SAM FERRARA, former boss of Milwaukee LCN family, has been making the rounds quietly among the older members of the Milwaukee LCN family.

b7D

[redacted] JOHN ALIOTO was temporarily made boss of the Milwaukee family years ago for the purpose of re-uniting the family. His appointment was on a temporary basis, after which members were suppose to choose a new boss; however, ALIOTO, without the consent of the Milwaukee family members, appointed FRANK BALISTRERI as boss of the family. The older members of the Milwaukee family have always resented the way in which BALISTRERI took over as boss of the family.

b7D

[redacted] advised [redacted] that FRANK BALISTRERI's family continues to be extremely upset with him due to his association with [redacted]. The informant also understood that many of the building contractors who supplied materials for the remodeling of BALISTRERI's Kings IV Bar and Restaurant have not been paid and they are considering suing BALISTRERI for their overdue bills.

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b7D

On [redacted] advised that he received information from [redacted]

[redacted]
FRANK BALISTRERI

[redacted] The informant believed this was an indication [redacted]

b7D

[redacted] BALISTRERI.

On [redacted] advised the dissatisfaction with BALISTRERI's leadership with the Milwaukee LCN family continues to grow. Several members of the Milwaukee family

b7D

HI 94-316

On [REDACTED]

[REDACTED] note their
dissatisfaction with BALISTRIERI [REDACTED]

BALISTRIERI is handling the Milwaukee family.

On [REDACTED]

[REDACTED] They felt BALISTRIERI was going to
jail shortly [REDACTED]

[REDACTED] when BALISTRIERI
goes to jail.

On [REDACTED] advised it has been rumored
BALISTRIERI's marital problems continue and also [REDACTED]
[REDACTED] had been taking LSD. BALISTRIERI's son,
Attorney JOSEPH P. BALISTRIERI has also been forced to handle
many of his father's legal problems as BALISTRIERI was having
trouble obtaining sufficient funds to pay his other attorneys.

[REDACTED] advised on [REDACTED]

- D -

COVER PAGE

MI 94-316

On [redacted] advised [redacted]

[redacted]

b7D

On [redacted]

[redacted]

b7D

[redacted] BALISTRERI.

The informant said [redacted]

[redacted]

b6
b7C
b7D

Informant also stated [redacted]

[redacted]

b7D

- E -

COVER PAGE

MI 94-316

On [redacted] advised [redacted] BALISTRIERI

[redacted]

b7D

Informant said [redacted]

[redacted] BALISTRIERI

[redacted]

b6
b7C
b7D

[redacted] advised on [redacted] deceased Milwaukee LCN member
TONY ALBANO [redacted]

[redacted]

b7D

[redacted]

[redacted] He further stated BALISTRIERI

b7D

[redacted]

Informant said [redacted]

[redacted] BALISTRIERI

[redacted]

b7D

- F -

COVER PAGE

MI 94-316

On [redacted] advised [redacted]

b7D

This informant further advised that BALISTRERI

- G* -

COVER PAGE

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to: 1 - USA, Milwaukee
1 - Chicago (Attorney-in-Charge, AIC,
Chicago Field Office, SHELDON DAVIDSON)

Report of: SA DANIEL E. BRANDT
Date: August 31, 1970

Office: MILWAUKEE

Field Office File #: MI 94-316

Bureau File #: 92-3116

Title: FRANK PETER BALISTRIERI

Character: ANTI-RACKETEERING

Synopsis: During a remand hearing in U.S. District Court, Springfield, Illinois, on 10/9/69, BALISTRIERI's motions for a new trial regarding his previous income tax evasion conviction were denied. On 12/18/69, BALISTRIERI was re-sentenced to 2 years in prison and a \$10,000 fine. On 5/27/70, BALISTRIERI's attorneys filed a brief of appeal with the 7th Circuit Court of Appeals, Chicago, Illinois. Government's brief was filed 7/31/70. No date set for hearing on appeal. Two of BALISTRIERI's nightclubs, Alfie's and Gallagher's, ceased operations. BALISTRIERI's nightclub operations plagued with violations of State laws. News articles set forth. On 6/18/70, a \$100,000 civil suit was filed against BALISTRIERI resulting from an automobile accident.

- P -

DETAILS:

STATUS OF BALISTRERI'S INCOME TAX CONVICTION

The June 17, 1969, edition of the "Milwaukee Sentinel" contained an article which in part reflects the United States Supreme Court remanded the case of FRANK BALISTRERI to the Federal District Court to determine if a wiretapped conversation had led to BALISTRERI's income tax evasion conviction. The conversation in point was between BALISTRERI and FELIX (Milwaukee PHIL) ALDERISIO which was admitted as having been bugged by the Government. In his request for a rehearing, BALISTRERI's attorney indicated BALISTRERI frequently visited the ALDERISIO premises, 645 North Michigan Avenue, Chicago, Illinois. Although previous electronic surveillance by the Government had been disclosed in BALISTRERI's trial, the Government did not disclose the electronic surveillance of the Chicago premises.

Assistant United States Attorney [REDACTED] Southern District of Illinois, Springfield, Illinois, advised on June 19, 1969, that United States District Court Judge CLER POOS, Springfield, Illinois, scheduled the hearing ordered by the United States Supreme Court to be held in his court on July 30, 1969.

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b7c

On July 24, 1969, attorneys for FRANK BALISTRERI filed 3 motions in United States District Court, Springfield, Illinois, for:

1. A new trial based on new evidence regarding sources of BALISTRERI's income known by the Government, but concealed from the jury during the original trial.
2. For production of eavesdropping records.
3. For production of records of a tax levy against PETER BALISTRERI, subject's brother, on August 7, 1968, by the Internal Revenue Service and for 1961 income tax returns for PETER BALISTRERI and [REDACTED] BALISTRERI's bookkeeper.

b6
b7c

MI 94-316

The July 31, 1969, edition of "The Milwaukee Journal" contained the following article reflecting BALISTRERI's July 30, 1969, hearing was continued to October 9, 1969:

(Mount Clipping in Space Below)

Balistrieri Case Postponed to October

Journal Staff Correspondence

Springfield, Ill. — Frank P. Balistrieri, Milwaukee night-club operator, succeeded Wednesday in delaying again the government's attempt to send him to prison for tax evasion.

Federal Judge Omer Poos heard four hours of arguments on requests by Balistrieri's attorneys for a new trial and for production of records and of government witnesses involved in the illegal wiretapping of Balistrieri in the office of a Chicago hoodlum four years ago.

Poos adjourned the case to Oct. 9 and ordered the government to produce the witnesses requested by Balistrieri. He said he would rule on the other motions after that.

Target of Probe

Balistrieri was listed in a floor speech by Sen. John L. McClellan (D-Ark.) as one of the 22 men in the 22 "principal families of the Cosa Nostra" in the United States.

The government began an investigation into his affairs in the early 1960s, as part of former Atty. Gen. Robert F. Kennedy's drive against organized crime.

He was indicted for income tax evasion here in January, 1965, and convicted by a jury before Poos in Springfield in March, 1967.

The case has been on appeal since then, with the appeals court in Chicago affirming the conviction and the United States supreme court refusing to review the case.

However, early this year it was revealed that the FBI had illegally placed a hidden microphone in the office of Felix (Milwaukee Phil) Alderisio, at 645 N. Michigan av., Chicago, and that Balistrieri had been

overheard in a conversation there.

On June 16 the supreme court ordered Poos to determine whether any information gained from the illegal wiretap was used to convict Balistrieri.

The high court previously had sent two other cases back to trial courts for similar hearings. Alderisio was involved also in one of these.

Before Wednesday's hearing, the government had furnished Maurice J. Walsh, Chicago, one of Balistrieri's attorneys, with a transcript of a log compiled by a special employee of the FBI who overheard Balistrieri's conversation in Alderisio's office.

The original tape recording of the conversation made Jan. 13, 1965 — a week after Balistrieri was indicted — was erased, government attorneys said.

Phone Call Reported

The log briefly describes a phone call which Alderisio told another person in the room was from "Frankie." The log says Balistrieri later entered the office and Alderisio com-

plained that he was an hour late. Balistrieri explained that it was the first time he had been at Alderisio's new office.

The log states that Alderisio prepared to leave for the airport and Balistrieri asked if he

was leaving town. Alderisio said he was only going to pick someone up.

According to the log, Alderisio mentioned to the third person in the room that Balistrieri had been indicted. Then Balistrieri left.

Proof Sought

Walsh asked Poos to order the government to search its files to determine whether other recordings of Balistrieri had been made illegally.

"We have asked for eavesdropped conversations of the defendant by any agency of the United States government," Walsh said.

"I want to see the rest of what they examined to see if any of it touches my client."

If the government contended that Balistrieri was not overheard in other conversations, Walsh said, "I want proof."

"I want people under oath to say, 'That's it; that's the entirety of it,'" he said.

Atty. Charles McNelis, of the tax division of the justice department in Washington, produced two thick volumes which he said contained all the conversations recorded in Alderisio's office from Oct. 2, 1964, to Apr. 7, 1965, when the microphone was removed.

Judge to Read It

Only the bottom of one page and the top of another concerned the exchange with Balistrieri, McNelis said, and they were all that Walsh was entitled to see under the supreme court's ruling.

Poos said he would read the material and that if anything else in it pertained to Balistrieri it would be furnished to the defense. He said he agreed with McNelis.

"I don't think you're entitled to anything in that record unless it involves your man," the judge said.

Poos also said that from what he had heard of the recorded conversation, it had had no effect on the conviction.

"It doesn't taint the case as far as I can see," Poos commented.

Walsh's motion for a new trial was based on what he claimed was new evidence that income the government attributed to Balistrieri was actually that of someone else.

Tax Entries Noted

He argued that identical amounts of \$2,620, reported on the 1961 tax returns of Balistrieri's brother, Peter, and Frank Balistrieri's bookkeeper, Miss Jennie Alioto, were 1960 income from the Midwest Scrap Metal Co.

That income had been attributed by the internal revenue service to Balistrieri, Walsh argued.

McNelis contended that the evidence produced by the government at the trial showed conclusively that Balistrieri had unreported income from Midwest in 1960, regardless of whether his brother and Miss Alioto also reported income from the firm for that year.

Poos Unimpressed

Poos indicated he was not impressed by Walsh's request for a new trial.

"I can't see from what I know that this is a proper motion in this case," Poos said.



Frank P. Balistrieri

B-8

MILWAUKEE JOURNAL
MILWAUKEE, WISCONSIN

Date: 7/31/69

Edition: LATEST

Author:

Editor: RICHARD H. LEON

Title:

Character:

or

Classification:

Submitting Office: MILWAUKEE

☐ Being Investigated

MI ON

MI 94-316

On October 9, 1969, United States District Court Judge OMER POOS, Southern District of Illinois, Springfield, Illinois, denied all motions filed by BALISTRERI and decided in favor of the Government. BALISTRERI was continued under \$15,000 bond pending appeal.

The December 9, 1969, edition of the "Milwaukee Sentinel" contained the following article reflecting BALISTRERI was resentenced to 2 years in prison and a \$10,000 fine on an income tax evasion charge:

(Mount Clipping in Space Below)

Judge Reimposes Balistrieri Term

By DEAN JENSEN
Sentinel Staff Writer

Springfield, Ill. — Frank P. Balistrieri, Milwaukee night club operator, lost ground Monday in his battle to avoid prison when a federal judge reimposed a two year sentence and a \$10,000 fine on an income tax evasion charge.

It was the third time Balistrieri was sentenced since March, 1967, when a jury convicted him of evading payment of federal income taxes totaling \$20,480 in 1959 and 1960.

Maurice J. Walsh, Balistrieri's chief defense attorney, announced immediately that he would seek a reversal of Federal Judge Omer Poos' ruling from the federal circuit court of appeals in Chicago.

No hearing is expected there before summer.

Balistrieri, free on a \$15,000 appeal bond, has 30 days to file an appeal petition.

Before reimposing sentence, Poos called Balistrieri before the bench and asked, "Is there any reason why judgment should not be pronounced?"

Balistrieri shook his head and answered, "Nothing, except the fact that I'm much sicker than I was before."

Walsh, of Chicago, added, "His doctors have discovered that he's a pretty sick man."

Balistrieri, 51, of 3043 N. Shepard av., complained of a serious asthmatic condition at his last appearance before Poos on Oct. 9.

At that proceeding, Poos orally rejected Balistrieri's plea

for a new trial and reinstated the original sentence.

Poos told a reporter that Monday's resentencing was necessary because the United States attorney general had requested written — rather than oral — findings of fact.

The judge Monday again turned down Walsh's motion for a new trial in light of what the defense attorney termed "revelations of additional eavesdropping."

From the beginning, defense attorneys have argued that Balistrieri was convicted on the strength of evidence illegally gathered through tapping of Balistrieri's telephone and the electronic bugging of an office used by a reputed Chicago crime syndicate leader, Felix (Milwaukee Phil) Alderisio, now imprisoned on charges of interstate extortion.

The appeals court in Chicago already had affirmed the Balistrieri conviction and the United States supreme court has refused to review the case.

However, Walsh contended there was new evidence of illegal wiretapping that tainted the government's case. The supreme court then ordered a reopening of the case last May.

Poos ruled that the information federal agents gathered on Balistrieri through "electronic eavesdropping" was not used to build the case against him.

(Indicate page, name of newspaper, city and state.)

A-7
MILWAUKEE SENTINEL
MILWAUKEE, WISCONSIN

Date: 12/9/69

Edition: FINAL

Author:

Editor: HARRY SONNEBORN

Title:

On December 17, 1969, attorneys for FRANK BALISTRERI filed a notice with the 7th Circuit Court of Appeals, Chicago, Illinois, indicating their intention to appeal the recent United States District Court's ruling on previous motions for a new trial. They were granted 30 days in which to file the reasons for requesting the appeal.

On March 12, 1970, United States Attorney DAVID J. CANNON, Milwaukee, Wisconsin, advised BALISTRERI's attorneys had filed a motion requesting an extension to April 20, 1970, in which to file their brief of appeal in BALISTRERI's income tax evasion case.

On May 27, 1970, BALISTRERI's attorneys filed a brief of appeal with the 7th Circuit Court of Appeals, Chicago, Illinois, citing the following arguments:

1. "The Government wrongfully withheld evidence favorable to the defendant from the defendant, the court and the jury, and the prosecutor argued to the jury contrary to concealed facts within his knowledge, and thus the trial court erred in denying the defendant's motion for new trial."
2. "The Government has not and cannot purge this prosecution of the taint of unlawful electronic eavesdropping, and thus this court should exercise its supervisory powers and reverse the conviction herein."

On July 31, 1970, United States Attorney DAVID J. CANNON, Milwaukee, Wisconsin, made available a copy of the Government's answering brief filed with the 7th Circuit Court of Appeals which cites the following arguments:

1. "The argument that the court below erred in denying the motion for new trial on the ground of newly-discovered evidence is frivolous."
2. "The court below did not err in entering a new judgment and commitment after it found that there had been an illegal electronic surveillance of a conversation had by petitioner at 645 North Michigan Avenue, Chicago, where the court found that no use had been made at trial, directly or indirectly, of such conversation.:

MI 94-316

3. "Use of tainted evidence, if there was such, in obtaining the conspiracy count of the indictment, does not taint the substantive counts."

On August 26, 1970, United States Attorney CANNON advised no date has been set for the oral arguments by the 7th Circuit Court of Appeals.

BUSINESS ENTERPRISES

Alfie's Inc.

4126 North Teutonia Avenue, Milwaukee, Wisconsin

Following are a series of newspaper articles regarding Alfie's Inc. which ceased operations during September, 1969:

(Mount Clipping in Space Below)

Review of Balistreri to Start in US Court

Frank P. Balistreri's case was ordered back to federal district court Monday by the United States supreme court to determine whether wiretapped conversations had led to the nightclub operator's conviction for income tax evasion.

The government has admitted that it bugged conversations between Balistreri and Felix (Milwaukee Phil) Alderisio, a Chicago Mafia member.

Balistreri, 51, of 3043 N. Shepard av., has been free on \$15,000 bond since his conviction by a jury in Springfield, Ill., Mar. 23, 1967.

The United States attorney, Robert L. Lerner, said Tuesday that he was "confident that the hearing would show that the bugged conversations had not tainted the government's case against Balistreri."

Will Oppose Stays

If the conviction is affirmed, Lerner said, he would ask the court not to grant Balistreri any further stays. Balistreri was sentenced to two years' imprisonment and given a \$10,000 fine.

In a memorandum to the supreme court, Erwin M. Gris-

wold, the solicitor general, said the government was not aware of the wiretapping when it opposed the supreme court review of the case.

The 7th circuit federal appeals court in Chicago upheld Balistreri's conviction and the supreme court denied a review of the case.

Hearing Requested

Edward Bennett Williams, Balistreri's attorney, then asked the supreme court for a rehearing on the grounds that Balistreri frequently visited Alderisio in Chicago, whose premises were bugged. Alderisio is also a client of Williams.

At Balistreri's trial in Springfield, Ill., three instances of bugging were disclosed by the government, but the government did not disclose the bugging of Alderisio's premises, Williams said.

A spokesman for Judge Omer Poos said Tuesday that the hearing would probably be held in August or September.

Poos presided over Balistreri's trial after a change of venue was granted in Milwaukee because of what was called adverse pretrial publicity.

(Indicate page, name of newspaper, city and state.)

A-3

MILWAUKEE JOURNAL
MILWAUKEE, WISCONSIN

Date: 6/17/69

Edition: LATEST

Author:

Editor: RICHARD H. LEON

Title:

Character:

or

Classification:

Submitting Office: MILWAUKEE

☐ Being Investigated

(Mount Clipping in Space Below)

State Sues To Dissolve Alfie's Inc.

Atty. Gen. Robert W. Warren filed suit Monday in Dane county circuit court seeking to dissolve Alfie's, Inc., the corporation operating Alfie's tavern at 4126 N. Teutonia av.

The suit charges that the corporation failed to file an annual report for 1969 as required by state law. It seeks involuntary dissolution of the corporation.

Alfie's is one of a group of Milwaukee taverns operated by Frank P. Balistreri or his relatives and associates.

The summons and complaint in Warren's action were served on John M. Volpe, Jr., listed in state records as president of the corporation.

However, city liquor license records list John A. Berta as president and agent of the corporation.

Earlier this month, the state filed two suits against Alfie's, Inc.

Both charged the corporation with separate violations of the state's liquor credit law.

If the corporation is dissolved, the tavern would have no valid liquor license since the license is issued to the corporation, a spokesman for Warren's office said.

He said Volpe had 20 days in which to file an answer to the suit filed Monday.

(Indicate page, name of newspaper, city and state.)

A-5

MILWAUKEE SENTINEL
MILWAUKEE, WISCONSIN

Date: 8/26/69

Edition: FINAL

Author:

Editor: HARRY SONNEBORN

Title:

Character:

or

Classification:

Submitting Office: MILWAUKEE

☐ Being Investigated

(Mount Clipping in Space Below)

Nightclub Opens After Tax Dispute

Alfie's, a nightclub at 4126 N. Teutonia av., was reopened Thursday after being closed Wednesday for failure to pay employee withholding taxes.

The internal revenue service filed a lien Aug. 20 against Alfie's, Inc., the operating company, claiming that it owed \$406 for the last quarter of 1968.

Revenue agents closed the club for nonpayment, IRS said. The taxes were paid Thursday.

According to a tavern license application filed last June in the city clerk's office, 60% of the stock in Alfie's is owned by Peter Gaudesi, 7503 W. Stevenson st., and the rest by Jon A. Berta, 2836 W. Wells st.

Berta is listed as president, Gaudesi as secretary and treasurer and Michael Alivo, 2120 N. Holton st., as vice-president.

Atty. Gen. Robert Warren has filed a suit to dissolve the corporation, charging that it failed to file an annual report as required by law.

Company representatives are scheduled to appear in county court Sept. 4 on a charge that they violated the state law that prohibits filing an application for a liquor license while having a liquor bill more than 30 days old.

(Indicate page, name of newspaper, city and state.)

B-2

MILWAUKEE JOURNAL
MILWAUKEE WISCONSIN

Date: 8/29/69

Edition: LATEST

Author:

Editor: RICHARD LEONARD

Title:

Character:

or

Classification:

Submitting Office: MILWAUKEE

☐ Being Investigated

MI ONLY

(Mount Clipping in Space Below)

Liquidation Move Started on Alfie's

A move to liquidate the business assets of Alfie's, Inc. was started in circuit court here Wednesday by Atty. Gen. Robert W. Warren.

Alfie's, Inc. operates Alfie's, a tavern at 4126 N. Teutonia av. that is one of a group operated by Frank P. Balistreri or his relatives and associates.

A temporary receiver, appointed by the court, Wednesday night took possession of the property and made an inventory of the cash and supplies.

During the inventory, Atty. Joseph P. Balistreri, Frank Balistreri's son, came to Alfie's, asked about the court order, was shown the court order and then left.

On Warren's petition, Circuit Judge Robert M. Curley ordered Alfie's to show cause before Circuit Judge Robert C. Cannon on Sept. 22 why the court shouldn't order the assets liquidated.

Warren also filed a suit in Madison Wednesday to dissolve Mando Enterprises, Inc. which operates the Ad Lib, 323

W. Wells st., another cocktail lounge that, it is believed, Balistreri has an interest in.

Mando Enterprises failed to file annual reports with the secretary of state, as required by law, Warren said.

Concerning Alfie's, Judge Curley restrained corporation officers from destroying any corporate records.

Last week the Dane county circuit court decreed that Alfie's was dissolved subject to liquidation proceedings in Milwaukee. It was charged that Alfie's didn't file an annual report with the state.

Warren's petition said that the court should intervene immediately in Alfie's operation. He said records may be destroyed and assets dissipated.

The corporation has taxes and bills to pay, Warren said.

He also said that Alfie's was trying to "divest itself of operations" because Joseph Enea, 1522 E. Kane pl., has filed for licenses to operate a tavern at Alfie's address.

Enea has tended bar at the Ad Lib.

(Indicate page, name of newspaper, city and state.)

A-5

MILWAUKEE SENTINAL
MILWAUKEE WISCONSIN

Date: 9/18/69

Edition: FINAL

Author:

Editor: HARRY SONNEBORN

Title:

Character:

or

Classification:

Submitting Office: MILWAUKEE

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MI ONLY

(Mount Clipping in Space Below)

No Books Kept, Alfie's Claims

The attorney for Alfie's, Inc., told Circuit Judge Robert C. Cannon Tuesday that the corporation which ran the tavern at 4126 N. Teutonia av. apparently kept no books or records of its operation.

"This wasn't the best operated place as I could make out," said Joseph P. Balistrieri. "I believe there weren't any records."

Balistrieri was before Cannon for a hearing to determine why all the books and records of the tavern operation had not

been turned over to a court appointed receiver, Atty. Charles W. Collins.

Seal Turned Over

Collins asked for the hearing last week after getting from Balistrieri only a corporate minute book and corporate seal. Cannon had ordered the assets and records to be turned over to Collins after the corporation was ordered dissolved by a Madison circuit judge.

Atty. Gen. Robert Warren had asked that the corporation be dissolved because it had not filed annual reports as required with the secretary of state.

Appearing with Balistrieri at the hearing was Peter Gaudesi, 7503 W. Stevenson av., who said he was secretary-treasurer of the corporation.

Case Is Adjourned

Gaudesi said he knew nothing about records.

"I had nothing to do with the joint except put a little money in it," he testified. He said he and two others contributed \$200 each to buy Alfie's.

Cannon adjourned the case to Thursday and directed that sworn statements be obtained from the other two officers on the existence of records.

(Indicate page, name of newspaper, city and state.)

B-1

MILWAUKEE JOURNAL
MILWAUKEE WISCONSIN

Date: 10/7/69

Edition: LATEST

Author:

Editor: RICHARD LEONARD

Title:

Character:

or

Classification: 94-316

Submitting Office: MILWAUKEE

☐ Being Investigated

(Mount Clipping in Space Below)

Group Seeks Defunct Nightclub

The receiver for Alfie's, a defunct nightclub at 4126 N. Teutonia av., told the common council's license committee Thursday that a group represented by Atty. Harold Jackson probably would ask to take over the club's operation.

Atty. Charles Collins, receiver for the club, which was closed in September, said Jackson probably would apply for a tavern license next week.

As a result, the committee delayed action on the tavern application of Joseph F. Enea, 1522 E. Kane pl., who wants to reopen the club.

Enea, a longtime bartender in taverns linked with Frank Balistrieri, downtown tavern-keeper, was tending bar at Alfie's when it was closed last September.

The closing came as a result of a court order after liquidation proceedings were started

against Alfie's, Inc., the corporation that ran the tavern.

Enea appeared at the hearing with his attorney, Gregory Gramling, jr.

Collins said the tavern license held by Alfie's, Inc., had been transferred to him as receiver. He said he was negotiating assignment of the lease to a group represented by Jackson, a former assistant district attorney.

Collins added that the transaction would have to be approved by the court.

Dist. Atty. E. Michael McCann also told the committee that Enea's license application was invalid. McCann said the application contained a sworn statement by Enea that he was leasing the building. McCann said his investigation showed that was not true.

Tavern license applicants must show that they lease or

own the building for which they are seeking a license.

Gramling acknowledged that Enea had no lease but said the owner had indicated a willingness to lease it to him.

Ald. Allen R. Calhoun, committee chairman, said the committee could not act on Enea's application at this time. He suggested that the committee delay action until Collins completed his negotiations.

(Indicate page, name of newspaper, city and state.)

B-9

MILWAUKEE JOURNAL
MILWAUKEE WISCONSIN

Date: 11-7-69

Edition: LATEST

Author:

Editor: RICHARD LEONARD

Title:

Character:

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Classification:

Submitting Office: MILWAUKEE

☐ Being Investigated

MI 94-316

Gallagher's
829 North 3rd Street, Milwaukee, Wisconsin

The following is an article which appeared in the "Milwaukee Sentinel" on October 29, 1969, which reflects the closing of Gallagher's:

(Mount Clipping in Space Below)

Sign Posted at Gallagher's Indicates Move to 'Scene'

By GENE CUNNINGHAM

Gallagher's, a tavern-rock spot at 829 N. 3rd st., apparently has become the second Frank P. Balistreri linked tavern to close in the last few weeks.

Signs in the door Tuesday said "Gallagher's moved to The Scene, 625 N. 2nd st."

However, the city license clerk's office, which must be notified if there is any change in the operation of a licensed tavern, said Tuesday it had no notice or knowledge that Gallagher's had closed, moved or otherwise changed its operation.

"If the two (Gallagher's and The Scene) have combined operations, they would have to re-apply for a license because they would be creating an entirely new entity — whether it's a partnership, corporation

or otherwise," a spokesman for the clerk's office said.

"If Gallagher's has transferred its operation to The Scene, it would have to pay a \$13 fee to transfer its license to another location. In this case, the Scene then would have to surrender its license," the spokesman said.

Two tavern licenses cannot be held in the same single location, the spokesman explained, adding that no matter what form the change in location took, the license clerk's office, by law, should have been notified.

A spokesman for Jos. Schlitz Brewing Co., which owns the building in which Gallagher's was located, said Tuesday that the office handling the company's real estate had not been officially notified that Gallagher's was moving from the building.

The spokesman said, however, that he had heard Monday that Gallagher's was moving. A "federal agent" had told him about the signs in the windows telling of the move to The Scene, the spokesman said.

Dist. Atty. E. Michael McCann last month asked representatives of Gallagher's to bring books and records to his office proving that at least half the tavern's income was from the sale of food.

In order to allow minors on the premises, which Gallagher's did, at least half a tavern's income must come from food sales.

Atty. Joseph Balistreri, Frank Balistreri's son, appeared in reply to McCann's request and told the district attorney that the only way he would see Gallagher's books and records was "in court."

McCann said that he would take "appropriate action" against Tradewinds, Inc., the corporation operating Gallagher's.

Peter Balistreri, Frank Balistreri's brother, is president of both Tradewinds, Inc., and of Bals, Inc., the corporation operating The Scene.

Last month, Alfie's, a Balistreri linked tavern at 4126 N. Teutonia av., was closed as the result of action brought by Atty. Gen. Robert W. Warren. The action dissolved Alfie's, Inc., the corporation that had operated the tavern.

(Indicate page, name of newspaper, city and state.)

A-1

MILWAUKEE SENTINAL
MILWAUKEE WISCONSIN

Date: 10/29/69

Edition: FINAL

Author:

Editor: HARRY SONNEBOORN

Title:

Character:

or

Classification: 94-316

Submitting Office: MILWAUKEE

☐ Being Investigated



Signs on the doors of Gallagher's, a tavern-rock spot at 829 N. 3rd st., informed customers of a change in the operation of the night spot.

—Sentinel Photo

MI 94-316

The Scene
624 North 2nd Street, Milwaukee, Wisconsin

The following are a series of newspaper articles which appeared in Milwaukee newspapers reflecting activities by the State Attorney General authorities regarding local violations at the Scene:

(Mount Clipping in Space Below)

Balistrieri Nephew Gets 60 Day Term

Joseph P. Balistrieri, an officer in a corporation that runs the Scene, a downtown night spot, was sentenced Tuesday to 60 days in the county jail for not turning over all the financial records of the organization that the state had demanded.

The order was made by Circuit Judge Elmer W. Roller after a hearing that lasted all day.

Roller said that Balistrieri, of 1634 N. Jackson st., could be released from jail if records subpoenaed by the state department of revenue were produced.

Balistrieri, 28, secretary-treasurer of Bals, Inc., is a nephew of Frank P. Balistrieri, a widely known nightclub operator who has been convicted of federal income tax evasion.

Among the records subpoenaed by the state were minutes of all meetings held by corporation officers in the last four years and a stock certificate record book which shows the number of outstanding shares.

Donald Murphy, a special agent for the department of revenue, testified that the records were needed in an investigation the department was making to determine any further tax liability of the Scene, 624 N. 2nd st.

Peter A. Peshek, an assistant attorney general, told Roller that corporations are required to maintain these records and other records by law.

Joseph Balistrieri brought in some records but failed to produce the stock certificate record book and only provided minutes from the corporation's Sept. 17 meeting.

On Monday Roller found Balistrieri in contempt and ordered him to produce the records by 9 a.m. Tuesday. Roller

was asked to make a contempt finding after Balistrieri refused to turn records over to Murphy or answer questions by Murphy on the ground that it might incriminate him.

In sentencing Balistrieri, Roller said "the last thing I like to do is incarcerate somebody and I hate to do it here."

However, Roller observed, throughout the hearing Balistrieri responded with "evasive answers to simple questions" and made "no honest, fair, good faith effort to purge himself."

Contacted Bookkeeper

After leaving the courtroom Monday, Balistrieri testified, he phoned Miss Jennie Alioto, who was a bookkeeper for Bals, Inc., and told her to drop the financial records off at his house.

He testified that he then went out "socializing" until about 2:30 or 3 a.m. Tuesday and did not look at the financial records until about 8:30 a.m. Tuesday when he found them on the kitchen table in his home.

Roller said it was unfathomable that a man facing a jail term should go out "socializing" before being absolutely sure that he had all of the records requested by the court.

"The defendant in conduct in the courtroom and out of the courtroom did not indicate a desire to purge himself of contempt," Roller said.

Working Hours

Balistrieri said he worked about 25 hours a week at the Scene, "checking stock and occasionally bartending."

Under cross examination, Balistrieri noted that financial records produced in court showed that January, April and May of this year, Bals, Inc. had made bank deposits totaling about \$10,000.

Other records indicated, however, that the Scene was closed those months and had no receipts or expenditures.

Peshek asked Balistrieri if Bals, Inc., had any business other than operating the Scene.

"Not that I know of," replied Balistrieri. "I couldn't say."

Queried on Waitresses

In reply to a question from Peshek, Balistrieri said there was nothing in payroll records he brought to court to indicate that the Scene employed waitresses.

He was asked whether the Scene had waitresses on its payroll.

"I really couldn't say," he answered. "I've never seen any."

At another point, Balistrieri was asked whom he received his paychecks from.

After a long pause, he answered, "Usually my father."

Listed on Records

Balistrieri's father, Peter A., is listed on corporation records as president of Bals, Inc.

After Balistrieri's hesitancy before answering, Roller snapped, "Why should it take you so long to answer a simple

(Indicate page, name of newspaper, city and state.)

A-1
MILWAUKEE SENTINEL
MILWAUKEE, WISCONSIN

Date: 11/12/69
Edition: FINAL
Author:
Editor: HARRY SONNEBOR
Title:

Character:
or
Classification: 94-316-24
Submitting Office: MILWAUKEE
☐ Being Investigated

question like that?"

Eugene A. Koenen, Balistrieri's attorney, told Roller that even though it might appear his client was being evasive, Balistrieri was guarding against "being trapped."

"Afraid of Trap"

"This young lad has been afraid of being trapped ever since the middle of high school," Koenen said.

The defense attorney said that as far as he could ascertain, Balistrieri had produced in court all of the financial records that were available.

Koenen said that because the Scene was operated as a "family" business, it did not have all the "niceties" of corporations, such as detailed records showing revenues and expenditures.

"The (directors') meetings quite likely were held over the kitchen table," Koenen said.



JOSEPH P. BALISTRIERI

—Sentinel Photo

(Mount Clipping in Space Below)

Balistreri Released From Jail

An officer of Bals, Inc., a Balistreri family corporation, was released from the county jail Thursday.

Circuit Judge Elmer W. Roller released Joseph P. Balistreri to his attorney, Nathan Rupp, while the imprisonment is challenged.

On Tuesday, Roller sentenced Balistreri to 60 days in jail for not turning over business records to an agent for the state department of revenue who was investigating tax liability of Bals, Inc.

Balistreri is secretary-treasurer of the corporation that runs the Scene, 624 N. 2nd st.

Rupp told Roller that the judge had exceeded his authority in sentencing Balistreri. He asked the court to vacate the contempt finding.

Peter Peshek, an assistant attorney general, asked for time to reply to the challenge. Roller set a hearing for next Tuesday and released Balistreri until that time.

"He's not leaving town," Rupp said. "He's not a criminal."

Balistreri's other attorney,

a cousin who also is named Joseph Balistreri, said, "A man can't be held in contempt of an order he can't comply with."

Rupp said, "You can't manufacture records. How can he produce what he doesn't have?"

An affidavit by Peter F. Balistreri was filed in which he said that the records could not be found.

(Indicate page, name of newspaper, city and state.)

A-29

MILWAUKEE SENTINEL
MILWAUKEE, WISCONSIN

Date: 11/14/69

Edition: FINAL

Author:

Editor: HARRY SONNEBORN

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Submitting Office: MILWAUKEE

☐ Being Investigated

(Mount Clipping in Space Below)

Contempt Decision Due

Circuit Judge Elmer W. Roller said Wednesday that he would issue a written decision Dec. 1 on a plea to vacate a contempt finding against Joseph P. Balistreri.

Two attorneys for Balistreri urged Roller to set aside the contempt order against their client for failure to produce corporation records subpoenaed by the state department of revenue.

Balistreri, 28, of 1634 N. Jackson st., was sentenced Nov. 11 to 60 days in the county jail by Roller. However, the judge released Balistreri without bail last Thursday pending further hearings.

Balistreri is secretary-treasurer of Bals, Inc., which runs the Scene, a night spot at 624 N. 2nd st. A state tax agent is investigating possible tax liabilities of the corporation.

Attys. Nathan Ruppa and Joseph P. Balistreri, the defendant's cousin, argued that the defendant had not been given adequate time to prepare for the contempt proceeding. They contended that state law required that the attorney general's office file written questions with the court for the de-

fendant to answer before a contempt finding.

Donald Zuidmulder, an assistant attorney general, said the judge had been "completely justified" in his contempt decision because Balistreri had given "no reasonable excuse" for not complying with the subpoena. He said written questions were not required in the proceeding.

"He (Balistreri) calculatedly made the decision not to appear with the documents," Zuidmulder said.

Roller took the motion to vacate his contempt finding under advisement and allowed Balistreri to remain free pending his decision. Defendant Balistreri is a nephew of Milwaukee nightclub operator Frank P. Balistreri.

(Indicate page, name of newspaper, city and state.)

B-12
MILWAUKEE JOURNAL
MILWAUKEE, WISCONSIN

Date: 11/19/69
Edition: LATEST
Author:
Editor: RICHARD H. LEONARD
Title:

Character:
or
Classification: 94-316
Submitting Office: MILWAUKEE
☐ Being Investigated

(Mount Clipping in Space Below)

Agents Raid 'The Scene,' Check Liquor, Records

State agents and investigators from the district attorney's office Friday night temporarily closed The Scene, 624 N. 2nd st., one of Milwaukee's Frank P. Balistreri linked taverns.

More than 100 young persons were in the tavern-rock spot when about a dozen law enforcement officers, led by Atty. Gen. Robert W. Warren's organized crime strike force, moved in at 10:30 p.m.

The agents checked customers' identification cards, liquor supplies and invoices for liquor purchases.

The order to close was given after bartenders at the tavern told agents they did not know who was in charge of the premises at the time.

The order was rescinded when Peter Balistreri, Frank Balistreri's brother and president of the corporation operating the tavern, arrived and said that he was in charge.

However, the customers had left. Ticket takers at the door were refunding the \$1 each customer paid in admission.

Atty. Joseph P. Balistreri, Frank Balistreri's son, arrived about 11 p.m., immediately after agents had ordered the tavern closed.

"This place can open the moment someone asserts control," agents told the attorney, who challenged the order to close.

"We inspected the premises and we did not find anyone in charge," so we closed the

nightspot, Daniel P. Hanley, Warren's executive assistant, told a reporter.

When agents asked Atty. Balistreri who was in charge of the premises, he replied that he did not know.

The state and the district attorney's office had overstepped their bounds in ordering the tavern closed, he said, adding that the swoop on the tavern was a "planned, plotted and predetermined" invasion of a place where people were having fun.

He told agents that "we" will "pursue remedies" to see that this does not happen again.

Permission to reopen the tavern was given later when Peter Balistreri arrived. However, agents were still at the tavern at midnight and no customers had come in.

Several agents checked customers' identification cards.

Other agents, using flashlights, looked over the liquor stock at the bar and took samples from some of the bottles. A case of empty liquor bottles found behind the bar was confiscated, Hanley said.

He said agents also were checking liquor invoices and purchase records of Bals, Inc., which operates The Scene.

At least four charges presently are pending against the corporation operating the Scene or its officers or employees. The charges include:

- Nine counts of violating beer and liquor credit purchas-

ing and licensing laws, brought against the corporation.

- A charge of permitting a juvenile to enter and remain in the tavern, brought earlier this week against the corporation.

- A contempt finding made two weeks ago against Joseph P. Balistreri, secretary-treasurer and a stockholder of the corporation. He was ruled in contempt for failing to comply with a court order to produce corporation books and records for a state tax agent investigating tax liabilities of the corporation.

Joseph P. Balistreri is Peter Balistreri's son and a cousin of Atty. Joseph P. Balistreri.

- Two counts of battery in a charge against Joseph F. Enea, a bartender at The Scene, for allegedly hitting two men in the tavern last week.

Joseph Balistreri, son of Peter Balistreri, was sentenced to 60 days in jail on the contempt ruling but was released pending a hearing after serving two days of the sentence. The hearing was held last week and a decision is to be announced Monday.

Joseph Balistreri is a bartender at The Kings IV, 720 N. Water st., a tavern-restaurant also linked to Frank Balistreri.

Joseph Enea, a longtime Balistreri associate and employee, has previously tended bar at Balistreri's old Melody Room, at the Downtowner, operated by a corporation. Balistreri heads, and at the Ad Lib and the former Alfie's, two Balistreri linked taverns.

(Indicate page, name of newspaper, city and state.)

A-1
MILWAUKEE SENTINEL
MILWAUKEE, WISCONSIN

Date: 11/29/69

Edition: FINAL

Author:

Editor: HARRY SONNEBORN

Title:

MT ONLY

(Mount Clipping in Space Below)

Judge Stays Balistreri Sentence

The 60 day jail sentence of Joseph P. Balistreri, nephew of Frank P. Balistreri and an officer of the corporation operating The Scene, was stayed Monday pending an appeal to the supreme court.

Joseph Balistreri was jailed last month for contempt after he failed to comply with a court order to produce for a state tax investigation the records and books of The Scene, 624 N. 2nd st. His is secretary-treasurer of Bals, Inc., operator of the nightspot.

Balistreri was released from jail two days later after filing a motion asking Circuit Judge Elmer W. Roller to vacate the contempt finding on which the 60 day sentence was given.

In court Monday, Roller said that the defense claim that Balistreri was denied due process of law was "without foundation."

"It was like pulling teeth to get an answer out of Mr. Balistreri," during previous hearings, Roller said.

Roller overruled the defense's challenge of his jurisdiction to rule in the case.

He told Balistreri's attorney, Nathan Rupp, that if he wanted to appeal the jurisdictional issue to the supreme court, bail would be arranged pending such appeal.

Or, Roller said, he would set aside Balistreri's sentence and permit him to present a full defense.

Rupp replied that he would appeal the jurisdiction issue to the supreme court.

Roller released Balistreri on his own recognizance and stayed execution of the 60 day sentence.

(Indicate page, name of newspaper, city and state.)

A-10

MILWAUKEE SENTINEL
MILWAUKEE, WISCONSIN

Date: 12/2/69

Edition: FINAL

Author:

Editor: HARRY SONNEBORN

Title:

Character:

or

Classification:

Submitting Office: MILWAUKEE

☐ Being Investigated

MT ONLY

(Mount Clipping in Space Below)

52 Counts Filed Against the Scene

An action against one night club linked to Frank P. Balistrieri was dismissed Monday and 52 counts of permitting minors to loiter on the premises were brought against another.

Balistrieri's brother, Peter F. Balistrieri, and Bals, Inc., licensee of The Scene, 624 N. 2nd st., were charged in a summons with permitting minors to loiter on the premises. Peter Balistrieri is president of Bals, Inc.

The summons, signed by Dist. Atty. E. Michael McCann, is returnable in court Dec. 23.

Inspection by Officers

The charges resulted from a surprise inspection of The Scene the night of Nov. 28 by about a dozen officers, led by Atty. Gen. Robert W. Warren's organized crime strike force, officials said.

McCann said that a check of identifications of patrons during the inspection showed that 52 were minors.

In Circuit Judge Harvey L. Neelen's court Monday, a state charge of operating without workmen's compensation insurance against the Ad Lib, a strip spot at 323 W. Wells st., was dismissed.

The attorney general's office said that the Ad Lib operated Nov. 29-30 without the insurance, which is required by law.

Premium Discussed

Neelen said that the Ad Lib management sent in the insurance premium, as it was told to do, and should have been covered by insurance.

A move by the state to hold Ad Lib representatives in contempt of a court order because they continued to operate allegedly without the insurance became moot with Neelen's ruling.

State witnesses testified that the Ad Lib's insurance was canceled Nov. 28 and that

no new policy was issued until Dec. 4.

Joseph P. Balistrieri, attorney for the Ad Lib and son of Frank Balistrieri, introduced a letter sent to the Ad Lib by a policy supervisor for the Wisconsin compensation rating bureau.

Contents of Letter

The letter said that if the Ad Lib management sent in \$91, a policy would be issued. The letter added, "P.S. Please send us a check for outstanding premium of \$93..."

The bureau would not issue a policy until this previous unpaid premium was paid by the Ad Lib. However, Neelen said that the letter did not make this a condition of issuing the policy.

The unpaid premium was paid later when the bureau would not issue the policy.

Other Summonses

McCann said Monday that additional summonses would be issued later this week in connection with the Nov. 28 inspection of The Scene and a second inspection made by state investigators Friday night.

If convicted on any of the 52 counts of permitting minors to loiter on the premises, Bals, Inc., would be subject to a \$250 fine for each conviction.

Peter Balistrieri could receive a maximum \$250 fine or 60 days in jail on each conviction, officials said.

McCann said that operators of the Scene contend that minors are allowed on the premises because the nightspot derives at least half of its receipts from the sale of food, as required by state law.

However, McCann said that state investigators found a hot dog stand operating in the lobby of the Scene Friday night. There was no evidence that the Scene's kitchen was in use, he said.

(Indicate page, name of newspaper, city and state.)

A-7

MILWAUKEE SENTINEL
MILWAUKEE, WISCONSIN

Date: 12/9/69

Edition: FINAL

Author:

Editor: HARRY SONNEBORN

Title:

Character:

or

Classification:

Submitting Office: MILWAUKEE

☐ Being Investigated

MI ONLY

25

(Mount Clipping in Space Below)

Little Blue Bundle Hot Potato at City Hall

By KENNETH R. LAMKE

A sheriff's deputy tried to give Peter F. Balistreri a little blue bundle at city hall Thursday.

Balistreri wouldn't touch it.

His attorney, Nathan Rupp, accepted the package momentarily, tried to give it back, and then let it fall to the floor.

There it stayed for about five minutes as people walked past it, reporters looked at it, and a photographer took a picture of it.

The bundle was a summons, rolled up and bound with rubber bands. It charged that 52 minors were allowed to loiter at the Scene, a night club at 624 N. 2nd st., on Nov. 28.

Balistreri is president of the corporation that runs the Scene.

He was in city hall Thursday applying for the license for another place, the Kings IV, a tavern and restaurant at 720 N. Water st.

The common council's license committee recommended that he be granted that license.

Balistreri then walked out of the committee room and stopped at a table to put on his coat. The deputy placed the warrant on Balistreri's briefcase.

"I've got an attorney over here. You talk to him," said Balistreri, picking up the briefcase but not the blue bundle.

The deputy retrieved his package and hustled down the hall to catch up with Rupp.

He handed the bundle to the attorney, who took it, looked at it, then handed it back toward the deputy saying, "Here."

The deputy declined to grasp the document and Rupp let go of it. It fell to the floor. Everyone kept right on walking.

Reporters hovered around the package for a few minutes before a radio newsman finally picked it up and took it over to Dist. Atty. E. Michael McCann, who was a few steps away waiting for an elevator.

McCann had appeared at the committee meeting to oppose Balistreri's bid for the Kings IV license.

But the district attorney would not accept the package either so the reporter carried it back to where he found it and dropped it on the floor again.

After several minutes more, Ald. Robert L. Sulkowski happened by. He picked up the summons and carried it to the license committee meeting.

It stayed on a table there till the end of the meeting and was finally picked up by the last man out of the room, Helmund H. Wolf, the city's chief license clerk.

Wolf said Thursday afternoon that he would call the sheriff's office about the summons.

(Indicate page, name of newspaper, city and state.)

A-5
MILWAUKEE SENTINEL
MILWAUKEE, WISCONSIN

Date: 12/19/69

Edition: FINAL

Author:

Editor: HARRY SONNERORN

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Character:

or

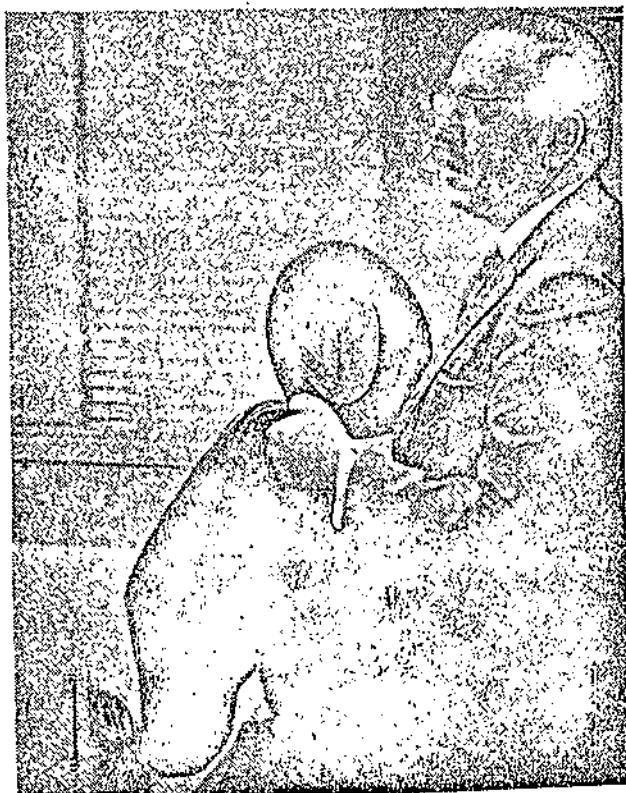
Classification:

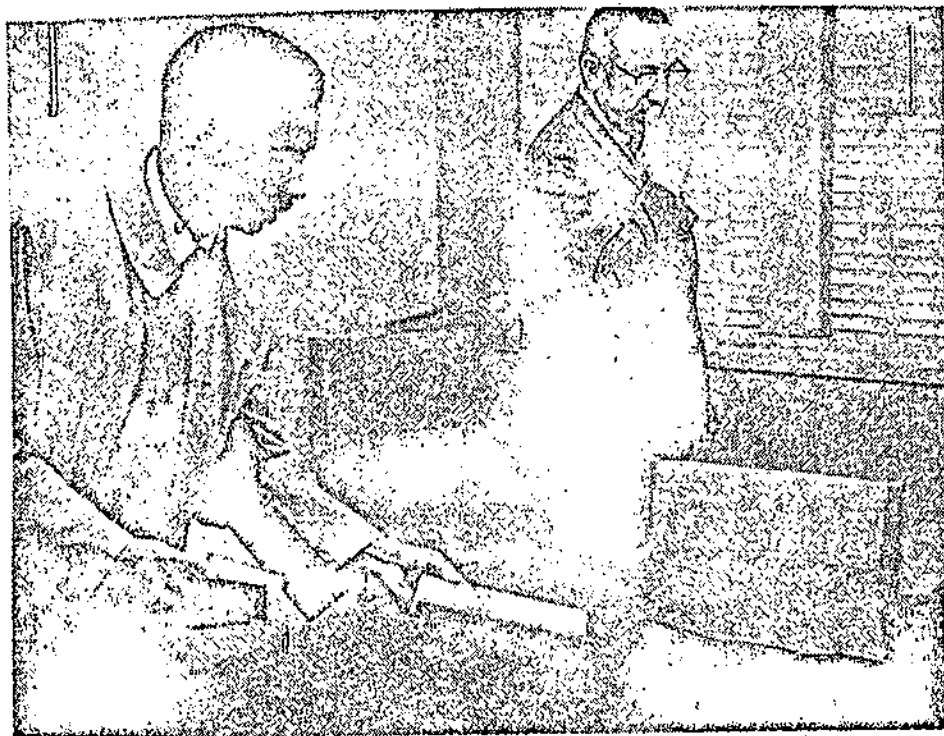
Submitting Office: MILWAUKEE

☐ Being Investigated

MT ONLY

Peter F. Balistrieri picked up his hat and coat and let a bundled summons, charging him with permitting loitering at the Scene, roll onto the table (below). Balistrieri was at city hall applying for a license for a restaurant and tavern when the attempt to serve the summons was made.

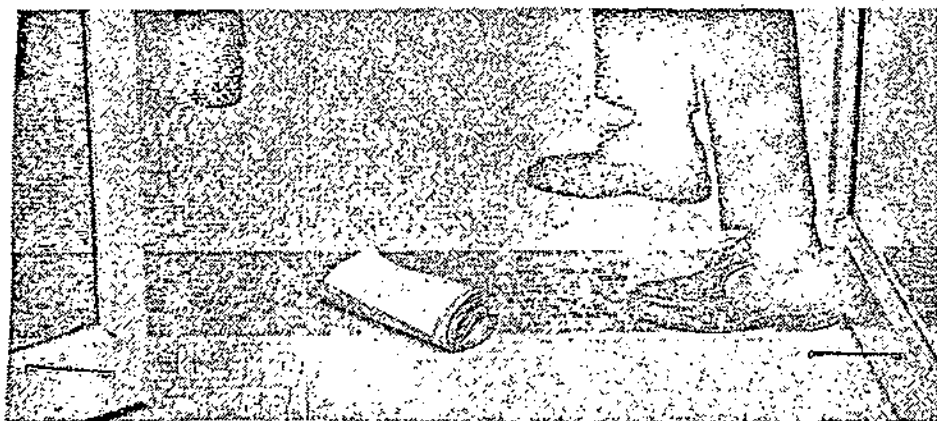




Deputy Sheriff Thomas Smays (left) identified himself to Balistrieri in a third floor hearing room at city hall Thursday, then attempted to give the Milwaukee night club operator a bundled summons. Frustrated in the delivery attempt, the deputy scurried down the hall, presented the warrant to Balistrieri's attorney, Nathan Rupp, who looked it over, tried to hand it back then dropped it onto the floor (below). Balistrieri looked on.



Sentinel Photos by George P. Koshollek, jr.



The unwanted bundled summons, blue and held together by rubber bands, lay on the floor as people nimbly side-stepped until it was finally left with the city's license clerk Helmund H. Wolf. Wolf said he would call the sheriff's department about the package.

(Mount Clipping in Space Below)

Faulty Returns Claimed

Peter F. Balistreri, his son, Joseph P. Balistreri, and Miss Jennie Alioto were arrested and charged Friday with a total of 37 counts of making false and fraudulent selective sales tax returns for Bals, Inc.

The corporation operates The Scene, a tavern and nightclub at 624 N. 2nd st.

According to the complaints, the three reported a combined total of \$405,793 less in taxable income to the state than the amount of actual taxable income.

The charges resulted from an investigation by Atty. Gen. Robert W. Warren's strike force on organized crime with the co-operation of the state department of revenue.

\$250 Bond Set

The three appeared Friday afternoon before County Judge Thuddeus Pruss who set bond at \$250 each. All three were scheduled to appear at 11 a.m. Monday before Dane County Judge William L. Buenzli.

Buenzli issued the warrants on complaints signed by Donald R. Murphy, an accountant and special agent with the department of revenue.

On complaint by Murphy, Buenzli also issued a corporation summons against Bals, Inc., for 28 counts which were the same as those included in the complaint against Miss Alioto.

According to the complaint against the corporation, the signature of Peter Balistreri appeared on the sales tax returns involved in eight of the counts and Joseph Balistreri's signature appeared on the tax return in one count.

Peter Balistreri's name, signed on the tax returns in the 15 other counts, was determined to have been written by Miss Alioto, the complaint said.

The signatures on the tax returns, according to the complaint, were examined by a handwriting expert with the state crime laboratory in Madison who identified the handwriting.

Miss Alioto, identified as the bookkeeper for Bals, Inc., was arrested Friday afternoon in the Public Service building, N. 3rd and W. Michigan sts., authorities said.

Others Surrender

Peter and Joseph Balistreri, accompanied by Attorneys Nicholas Catania and Dominic Frinzi, surrendered themselves later in Pruss' courtroom.

Frank P. Balistreri, Peter Balistreri's brother, and an unidentified woman, joined Miss Alioto in the sheriff's department while she was being booked and awaiting a court appearance.

The complaint against Miss Alioto charges her with 28 counts of making a false and fraudulent selective sales tax return for Bals, Inc., with the intent to defeat or evade the selective sales tax.

28 Months Covered

The counts cover 28 specified months from January of 1966 through March of 1969. The complaint charges that during the 28 months the corporation had actual taxable sales of \$500,939 but reported only \$191,853 in taxable sales.

The complaint against Peter Balistreri, charging him with the same violation, included eight counts covering months from December of 1966 through March of 1969. It alleged that taxable sales during the eight months totaled \$135,611 but that he reported only \$56,995.

Peter Balistreri is president of Bals, Inc.

A single count complaint was brought against Joseph Balistreri, secretary and treas-

urer of Bals, Inc. It charged that he made out a sales tax return for Bals, Inc., for October of 1968 reporting \$5,591 of taxable sales during the month when, in fact, taxable sales were \$18,091.

Charges Are Misdemeanors

The charges against the three are misdemeanors for which the maximum penalty for conviction on each count is a \$250 fine or one year in jail.

A representative of the attorney general's office asked Pruss to set \$500 bail for each of the three.

Pruss, however, set bond at \$250 after Frinzi argued that all three are local residents and all will appear in court as scheduled.

The three were released after posting surety bonds.

Joseph Balistreri already was free on a recognizance bond pending an appeal to the state supreme court of a jail sentence on a contempt charge last month.

60 Day Sentence

He had been sentenced to 60 days in jail on contempt for failing to comply with a court order to produce books and records on the Scene for a state tax investigation.

Miss Alioto for a number of years was Frank Balistreri's bookkeeper. She has been an officer of several corporations in which he and his brother, Peter, were involved.

Miss Alioto was charged along with Frank Balistreri in 1965 with conspiring to defraud the government in its attempts to collect income taxes from Balistreri.

The conspiracy count later was dismissed in district court after the government revealed its use of electronic surveillance in the investigation.

(Indicate page, name of newspaper, city and state.)

A-1
MILWAUKEE SENTINEL
MILWAUKEE, WISCONSIN

Date: 12/20/69
Edition: FINAL
Author:
Editor: HARRY SONNEBORN
Title:

Character:
or
Classification:
Submitting Office: MILWAUKEE
☐ Being Investigated



PETER F. BALISTRERI



JOSEPH P. BALISTRERI



MISS JENNIE ALIOTO

(Mount Clipping in Space Below)

Frinzi Wins Continuance In Peter Balistrieri Case

Sentinel Madison Bureau
Madison, Wis. - Complain-
ing that he hadn't seen a com-
plaint on the charges against
three principals in the state's
criminal tax fraud case involv-
ing Bals, Inc., Milwaukee Atty.
Dominic Frinzi Monday won a
continuance of his clients' ar-
raignment until Dec. 30.

Frinzi told Dane County
Judge Russell Middlestadt that
he needed more time to study
the charges before he would be
ready to plead the case.

Peter F. Balistrieri, 50, presi-
dent of Bals, Joseph P. Balistri-
eri, 28, secretary-treasurer,
and Miss Jennie Alioto, 43, the
firm's bookkeeper, are charged
with a total of 37 counts of

making false and fraudulent
selective sales tax returns for
Bals, Inc., between November,
1966, and March, 1969.

Frinzi and Madison Atty.
Donald S. Eisenberg appeared
for the three in court here
Monday for arraignment.

"We don't know what we're
charged with," said Frinzi.
"All we know is what was in
the newspapers, and they're
wrong."

Frinzi said the attorney gen-
eral's office seemed to be
"more concerned to discuss
the matter with the newspa-
pers in Milwaukee" than in
supplying copies of the com-
plaints.

Asst. Atty. Gen. Charles
Bleck said copies of the com-

plaints were available Monday
morning. But Frinzi and Eisen-
berg said that they wanted sev-
eral days to study the case and
asked for a special appearance.

Middlestadt granted the con-
tinuance to 11 a.m. Dec. 30 in
his court. The \$250 bond for
each of the three defendants
was continued.

Bleck suggested that the ar-
raignment be continued to Fri-
day.

"This is a short week, your
honor," protested Frinzi. "This
is Christmas week. I was to be
in England from the 21st to the
5th. Instead I'm going to be
here."

The three officers of the
firm are charged with report-
ing a total of \$405,793 less in
taxable income of the corpora-
tion than the state claim was
the actual amount of taxable
income.

The complaints, signed by
Donald R. Murphy, special
agent for the revenue depart-
ment, included an allegation
that Miss Alioto signed Peter
Balistrieri's name to 15 of the
monthly tax statements.

A separate charge against
the corporation was held over
and scheduled for Dec. 31.

(Indicate page, name of
newspaper, city and state.)

A-4

MTLWAUKEE SENTINEL
MILWAUKEE, WISCONSIN

Date: 12/23/69

Edition: FINAL

Author:

Editor: HARRY SONVEROON

Title:

Character:

or

Classification:

Submitting Office: MTLWAUKEE

☐ Being investigated

MI ONLY

(Mount Clipping in Space Below)

Balistreri Tax Case Delayed Again

By KENNETH P. ROESSLEIN
Sentinel Madison Bureau

Madison, Wis.—The arraignment of three principals in the state's criminal tax fraud case involving Bals, Inc., was postponed here Tuesday.

The adjournment marked the second time in a week that the arraignment was delayed.

Dane County Judge Ervin M. Bruner rescheduled the arraignment for 2:30 p.m. Jan. 6, after a brief verbal clash between the defendants' attorney and Peter Peshek, an assistant attorney general.

Earlier in the day, Federal Judge James Doyle denied a defense motion asking that the state be temporarily restrained from proceeding on state charges filed in Dane county circuit court against Bals, Inc.; Peter F. Balistreri, president of Bals; his son, Joseph P., secretary-treasurer, and Miss Jennie Alioto, the firm's bookkeeper.

The three individuals are charged with a total of 37 counts of making false and fraudulent selective sales tax returns for Bals, Inc., between November, 1966, and March, 1969. The corporation itself has been charged with 28 similar counts.

None of the defendants was present in court Tuesday.

"I think Miss Alioto ought to be here," Peshek told Bruner. Miss Alioto's case was the first to be considered.

"Now, wait a minute right now," said Madison Defense Atty. Donald S. Eisenberg, angrily. "I was told that my clients did not have to be here. I don't like it (Peshek's request)."

Explains Request

Asking Eisenberg to "calm down," Peshek said he wanted Miss Alioto present so that her rights would not be jeopardized.

"Then I'm going to ask an adjournment so that they can be present," Eisenberg countered.

He asked Bruner to set a date for next week because "this is New Year's week." Peshek did not challenge the request, but first proposed Monday. Bruner said his calendar for that day was full.

Eisenberg, who said he probably would present motions at the time of arraignment, said he would supply the attorney general's office and the court with copies by Friday.

"They've had plenty of time to get the motions in," Peshek replied. "The state has a right to a fair and speedy determination of guilt or innocence."

Bruner also set the arraignment on the corporate charges for next Tuesday. That arraignment had been scheduled for Wednesday.

Three Officers Charged

The three officers of the firm are charged with reporting a total of more than \$400,000 less in taxable income of the corporation than the state claimed.

The corporation operates The Scene, a tavern and nightclub at 624 N. 2nd st.

Doyle's action earlier Tuesday in federal court allowed the arraignment to be carried out. But in the end it was postponed anyway.

Doyle denied a motion based on a complaint filed by Eisenberg for four individuals and three corporations associated with Frank P. Balistreri. The complaint asked the court for a temporary restraining order to prohibit Atty. Gen. Robert W. Warren and two other public officials from allegedly harassing the plaintiffs.

The other two defendants in the action were Milwaukee County Dist. Atty. E. Michael McCann and James R. Morgan, secretary of the state revenue department.

Assails Tactics

In arguments on the motion, Eisenberg labeled the alleged harassment as "storm trooper tactics of Mr. Warren and Mr. McCann... very much parallel to tactics in Nazi Germany and other countries in the world." He said the alleged tactics were not creating an end to organized crime, but the beginning of a police state.

Peshek objected and called the remarks "inappropriate and playing to the galleries."

Doyle overruled Peshek, but added that the case would not

be decided on the basis of "adjectives and adverbs."

The complaint against the state was filed by Peter Balistreri; his son, Joseph; Miss Alioto; Joseph Maniaci; Tradewinds, Inc., operator of the former Gallaghers, 829 N. 3rd st.; Bals, Inc., and Mando Enterprises, operator of the Ad Lib, 323 W. Wells st.

In addition to barring proceedings on the sales tax fraud charges, the complaint asked the court to prohibit "raids," searches or seizures on premises owned or operated by the plaintiffs; issuance of any warrants, complaints or summonses for alleged violations of liquor laws or sales tax laws; of making any arrests or seizures, or threatening to do so, without a prior adversary hearing.

Fairness Challenged

Eisenberg said McCann and Warren had a responsibility to be fair and impartial, but he said his clients had not been treated fairly "because they are Italian, because they are bar owners and because E. Michael McCann and Robert W. Warren say they are the Mafia."

(Indicate page, name of newspaper, city and state.)

A-1
MILWAUKEE SENTINEL
MILWAUKEE, WISCONSIN

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Edition: FINAL

Author:

Editor: HARRY SONWEBORN

Title:

Character:

or

Classification:

Submitting Office: MILWAUKEE

☐ Being Investigated

He charged that newsmen had been informed of raids on premises owned by his clients before the raids occurred and that reporters had the stories written in advance.

"In the event the court does not restrain (the defendants), the district attorney and the attorney general will raid The Scene and other lawful establishments. If the defendants were here and we put them under oath . . . they would state that this raid will come New Year's eve," Eisenberg said.

Morgan, Warren and McCann were not present in federal court. They were represented by Peshek, Donald Zuidmulder, an assistant attorney general, and Michael Ash, an assistant Milwaukee county district attorney.

Dismissal Move Lost by Bals, Inc.

(Special to The Sentinel)
Madison, Wis. — Dane County Judge Ervin M. Bruner refused Tuesday to dismiss a state sales tax fraud case against Bals, Inc., of Milwaukee, and ordered the corporation and its officers to stand trial.

Bruner set a tentative trial

date of March 16 before Dane County Judge Michael B. Torphy Jr.

Defense Atty. Donald S. Eisenberg refused to enter pleas for the defendants and Bruner entered not guilty pleas for them.

Charged with tax fraud are Bals, Inc.; Peter F. Balistrieri, president of Bals; his son, Joseph P., corporation secretary, treasurer, and Miss Jennie Alioto, the corporation's bookkeeper.

The Balistrieris and Miss Alioto were charged with 37 counts of filing false selective sales tax returns for Bals, Inc., between November of 1966 and March of 1969.

The corporation was charged with 28 similar counts.

Allan Hubbard, assistant attorney general, said that a lien for almost \$21,000 in back sales taxes and penalties had been filed against the corporation by the state department of revenue.

Dismissal Bid Made

The action taken to declare Bals, Inc., delinquent in taxes and the filing of a lien against it were called unconstitutional by Eisenberg. He cited those arguments in one motion to dismiss the case.

Eisenberg also asked that the case be dismissed on the ground that:

- Officers of Bals, Inc., were forced by court order to testify and turn over corporation records later used to prosecute them, denying them due process under the law.

The state has refused to return all corporation records to the defendants so that they could prepare a defense.

- The complaints against the defendants were not based on sufficient evidence and did not establish probable cause for their arrest.

In refusing to enter a plea for the defendants, Eisenberg said that they were challenging the jurisdiction of the court since evidence against them was gained by order of a Milwaukee county court.

Bruner said that there was no evidence to show that the charges were brought solely on information gained from Peter Balistrieri in the court of Milwaukee Circuit Judge Elmer W. Rolier.

Argument Made

William Wilker, an assistant attorney general, argued that a state department was bringing criminal charges against the defendants and that the Dane County court had jurisdiction.

He also said, "I certainly don't think the state should be required to turn its entire chain of evidence over to the defendants."

Bail for the defendants was continued at \$250 at the request of Wilker.

Bals, Inc., operates The Scene, a tavern and nightclub, at 624 N. 2nd St., one of several Milwaukee taverns linked to Frank P. Balistrieri, Peter Balistrieri's brother.

(Indicate page, name of newspaper, city and state.)

A-9

MILWAUKEE SENTINEL
MILWAUKEE, WISCONSIN

Date: 1/7/70

Edition: FINAL

Author:

Editor: HARRY SOMMERBORN

Title:

Character:

or

(Mount Clipping in Space Below)

Warren Sues Scene to Keep Minors Out

A Circuit Court action to keep minors from frequenting The Scene, a nightclub at 624 N. 2nd St., was filed by Atty. Gen. Robert Warren Thursday.

Judge William I. O'Neill ordered the operators to show cause at 9:30 a.m. Monday why a restraining order should not be issued against The Scene. The judge temporarily closed the nightclub pending the hearing.

Named as defendants in Warren's complaint were Bals, Inc., the corporation operating The Scene; Peter F. Balistreri, 1634 N. Jackson St., president of Bals; his wife, Mary Balistreri, same address, vice president; their son, Joseph P. Balistreri, same address, secretary, and Joseph Enea, 3712 W. Kiley Ave., and John C. Rizzo, Racine, both named as "keeper of the place and premises."

Enea, a bartender at The Scene, and Rizzo, a convicted gambler, are longtime associates of Frank P. Balistreri, Peter Balistreri's brother.

Dist. Atty. E. Michael McCann Thursday issued summonses charging that 44 minors were permitted to loiter at The Scene over the weekend. Under the summonses, the officers of Bals were ordered to answer the charges in County Court.

Warren, Aides Sued

A \$200,000 suit was filed by Peter F. Balistreri in the Federal Court in Madison Thursday against Warren and four

of his aides in the State Justice Department as a result of a Nov. 28 raid at The Scene.

According to Balistreri's complaint, 10 agents of the department and the Milwaukee County District Attorney's Office entered the club without warrants, checked identification cards of customers and invoices of liquor supplies.

100 Customers Left

As a result, about 100 customers were forced to leave, "resulting in a refund to them of \$1 per person," the complaint said.

Warren's executive assistant, Daniel J. Hanley Jr., described the raid as a routine investigation, the complaint said. Named as defendants, in addition to Warren and Hanley, were Asst. Atty. Gen. Peter Peshek and two state investigators, Herbert L. Krusche and Walter A. Younk.

The suit was filed on behalf of Balistreri and the other officers of Bals, Inc.

The suit asks \$25,000 in damages and \$25,000 in punitive damages on behalf of each of the three individuals and the corporation. It was filed by Madison Atty. Donald S. Eisenberg.

(Indicate page, name of newspaper, city and state.)

10

THE MILWAUKEE JOURNAL
MILWAUKEE, WISCONSIN

Date: 2/27/70

Edition: LATEST

Author:

Editor: RICHARD H. LEONARD

Title:

Character:

or

Classification:

Submitting Office: MILWAUKEE

☐ Being Investigated

(Mount Clipping in Space Below)

Operators Silent About Nightclub

Two longtime associates of Frank P. Balistrieri refused Monday to answer questions in court in a suit attempting to close The Scene, a Balistrieri night spot.

They were Joseph Enea, 3712 W. Kiley Ave., a bartender, and John C. Rizzo, Racine, a convicted gambler also employed at The Scene.

Circuit Judge William I. O'Neill said he would have to research the law to determine the legal effect of their refusal to answer. In a criminal case they could be jailed for contempt.

O'Neill directed that Peter Balistrieri, brother of Frank and head of the corporation that runs the night spot, could not permit persons under 21 to enter the club until a hearing Monday.

The state argued that The Scene, 624 N. 2nd St., did not qualify as a restaurant under the law because only a small percentage of its operation dealt with serving food.

Enea and Rizzo refused to answer any questions, including whether they had ever been inside the night spot.

Several State Department of Justice agents testified that they had checked the club six times since December and that five times there was no food in the kitchen at all.

(Indicate page, name of newspaper, city and state.)

B-1

THE MILWAUKEE JOURNAL
MILWAUKEE, WISCONSIN

Date: 3/3/70

Edition: LATEST

Author:

Editor: RICHARD H. LEONARD

Title:

Character:

or

Classification:

Submitting Office: MILWAUKEE

☐ Being Investigated

MI ONLY

(Mount Clipping in Space Below)

Nightclub Ordered to Bar Minors

Minors have to stay out of The Scene, a downtown nightclub, at least temporarily, according to a Circuit Court order issued Monday.

The Scene, at 624 N. 2nd St., is owned by a corporation headed by Peter Balistreri, brother of Frank P. Balistreri.

Judge William I. O'Neill issued a temporary injunction barring minors from the nightclub while liquor was being served there. Atty. Gen. Robert Warren had asked for the injunction.

O'Neill rejected a defense argument that minors could legally be permitted in The Scene because it served food and was a restaurant. The judge said there was no evidence that the operation of a restaurant was a major part of the business.

Roland J. Steinle Jr., representing The Scene, criticized Warren for issuing numerous statements to the press, "trying to prejudice the name of Balistreri so that he could never get a fair trial."

(Indicate page, name of newspaper, city and state.)

B-3

THE MILWAUKEE JOURNAL
MILWAUKEE, WISCONSIN

Date: 3/9/70

Edition: LATEST

Author:

Editor: RICHARD H. LEONARD

Title:

Character:

or

Classification:

Submitting Office: MILWAUKEE

☐ Being Investigated

MI ONLY.

(Mount Clipping in Space Below)

'Scene' Operator Guilty on 30 Counts

The corporation which operates The Scene, 624 N. 2nd St., was found guilty Wednesday night of 30 counts of permitting minors to loiter on the premises.

A Circuit Court jury returned the verdict against Bals, Inc., at 7:40 p.m. The corporation is headed by Peter F. Balistrieri, a brother of Frank P. Balistrieri.

After the verdict was returned, Dist. Atty. E. Michael McCann said he would appear before the Common Council License Committee Monday "to oppose granting of the license to Peter Balistrieri to continue operation of The Scene."

License OK'd Tuesday

The Common Council, ignoring an earlier request from McCann to appear before action was taken, Tuesday approved a tavern license for Peter Balistrieri. The renewal of the license will take effect July 1.

The charges against Bals, Inc., were issued following inspections of the night spot by agents from the attorney general's office.

The state claimed that while The Scene had a restaurant license in addition to the liquor license, it could not allow minors on the premises because its principal source of business was not from the sale of food.

No Purchases Reported

Defense Atty. Roland J. Steinle Jr., in his final argument, said The Scene was a "short order restaurant" and added that while no food was purchased by the tavern last July and August, there also was no purchase of liquor during that time.

Steinle said that during the first six months of 1969, there

were no real liquor purchases made for The Scene.

"If this were really a tavern, why weren't there liquor purchases," he asked.

John Spindler, an assistant district attorney, told the jury that according to records of

the corporation, \$5,000 worth of food was purchased by the firm over a period of several months. He added that in 30 to 40 inspections of the night spot made during that time, no one saw any food.

"Where was the food; where was the chef?" he asked.

Spindler recalled the testimony of a health inspector who said that during an inspection in December, he found four hot dogs in a cooler and the cooler was not turned on.

(Indicate page, name of newspaper, city and state.)

A-1
MILWAUKEE SENTINEL
MILWAUKEE, WISCONSIN

Date: 6/25/70

Edition: FINAL

Author:

Editor: HARRY SONNEBORN

Title:

Character:

or

Classification:

Submitting Office: MILWAUKEE

☐ Being Investigated

MI 94-316

On [redacted] MI T-2 advised 15 State Attorney General's Office Agents were at the Scene on the evening of November 28, 1969. After questioning employees, they determined no one was in charge of the operation at the time. They made the customers leave and closed the Scene.

[redacted]

b7D

MI T-2 said [redacted]

[redacted]

b7D

[redacted] BALISTRERI

Kings IV
722 North Water Street, Milwaukee, Wisconsin

Following are a series of newspaper articles regarding the Kings IV:

(Mount Clipping in Space Below)

Judge Reimposes Balistrieri Term

By DEAN JENSEN
Sentinel Staff Writer

Springfield, Ill. — Frank P. Balistrieri, Milwaukee night club operator, lost ground Monday in his battle to avoid prison when a federal judge reimposed a two year sentence and a \$10,000 fine on an income tax evasion charge.

It was the third time Balistrieri was sentenced since March, 1967, when a jury convicted him of evading payment of federal income taxes totaling \$20,480 in 1959 and 1960.

Maurice J. Walsh, Balistrieri's chief defense attorney, announced immediately that he would seek a reversal of Federal Judge Omer Poos' ruling from the federal circuit court of appeals in Chicago.

No hearing is expected there before summer.

Balistrieri, free on a \$15,000 appeal bond, has 30 days to file an appeal petition.

Before reimposing sentence, Poos called Balistrieri before the bench and asked, "Is there any reason why judgment should not be pronounced?"

Balistrieri shook his head and answered, "Nothing, except the fact that I'm much sicker than I was before."

Walsh, of Chicago, added, "His doctors have discovered that he's a pretty sick man."

Balistrieri, 51, of 3043 N. Shepard av., complained of a serious asthmatic condition at his last appearance before Poos on Oct. 9.

At that proceeding, Poos orally rejected Balistrieri's plea

for a new trial and reinstated the original sentence.

Poos told a reporter that Monday's resentencing was necessary because the United States attorney general had requested written — rather than oral — findings of fact.

The judge Monday again turned down Walsh's motion for a new trial in light of what the defense attorney termed "revelations of additional eavesdropping."

From the beginning, defense attorneys have argued that Balistrieri was convicted on the strength of evidence illegally gathered through tapping of Balistrieri's telephone and the electronic bugging of an office used by a reputed Chicago crime syndicate leader, Felix (Milwaukee Phil) Alderisio, now imprisoned on charges of interstate extortion.

The appeals court in Chicago already had affirmed the Balistrieri conviction and the United States supreme court has refused to review the case.

However, Walsh contended there was new evidence of illegal wiretapping that tainted the government's case. The supreme court then ordered a reopening of the case last May.

Poos ruled that the information federal agents gathered on Balistrieri through "electronic eavesdropping" was not used to build the case against him.

(Indicate page, name of newspaper, city and state.)

A-7
MILWAUKEE SENTINEL
MILWAUKEE, WISCONSIN

Date: 12/9/69

Edition: FINAL

Author:

Editor: HARRY SONNEBORN

Title:

Character:

or

Classification:

Submitting Office: MILWAUKEE

☐ Being Investigated

(Mount Clipping in Space Below)

Peter Balistreri Applies For Kings IV Tavern Permit

Peter F. Balistreri, brother of Frank P. Balistreri, has applied for a liquor license for the Kings IV, a restaurant and tavern at 720 N. Water st. closed until a decision was made on his application for a liquor license for the Kings IV.

The letter said that if the Kings IV application was ap-

proved, the license for Gallagher's would be relinquished.

Under law, no person can have a financial interest in more than two taverns.

The Kings IV license is currently held by Angelo Di Giorgio, of 1812 N. Marshall st., who last month was charged with two counts of commercial gambling. The building is owned by Atty. Joseph Balistreri, Frank Balistreri's son.

Peter Balistreri is president of corporations which operate Gallagher's at 829 N. 3rd st. and the Scene at 624 N. 2nd st. Gallagher's closed its doors in October, with a note in the window saying that it had moved to the Scene.

In a letter accompanying the application filed with the city Monday, Peter Balistreri said Gallagher's would remain

Peter Balistreri and Bals, Inc., the corporation which operates the Scene, have been charged with 52 counts of permitting minors to loiter on the premises. The charges resulted from a surprise inspection of the tavern Nov. 28 by state agents and investigators for the district attorney's office.

Dist. Atty. E. Michael McCann has said that additional charges stemming from the inspection may be filed.

(Indicate page, name of newspaper, city and state.)

A-5
THE MILWAUKEE JOURNAL
MILWAUKEE, WISCONSIN

Date: 12/10/69

Edition: LATEST

Author:

Editor: RICHARD W. LEONAR

Title:

Character:

or

Classification: 94-316

Submitting Office: MILWAUKEE

☐ Being Investigated

MT ONLY

(Mount Clipping in Space Below)

Kings IV Bar Permit Gets Committee OK

Over the objection of Dist. Atty. E. Michael McCann, the common council's finance committee Thursday recommended approval of a liquor license for Peter F. Balistreri.

Balistreri wants the license to operate Kings IV restaurant and tavern, 720 N. Water st. He is the brother of Frank P. Balistreri, who has been identified in the United States senate as a member of one of 22 principal Mafia families in the country.

McCann objected to the license approval because of pending charges against Peter Balistreri and Bals, Inc., of permitting minors to loiter. Peter is president of Bals, which operates the Scene, 624 N. 2nd st.

Balistreri and the corporation have been ordered to appear Dec. 23 before County Judge Christ T. Seraphim to answer charges that 52 minors were found at the Scene Dec. 5.

Ald. William R. Drew, who represents the ward in which Kings IV is situated, told the committee that if the charges were proven, "then it's a different story." He recommended approval.

Ald. Allen R. Calhoun and Ald. Vel R. Phillips said normal procedure was to wait for the outcome of court action against license applicants. Mrs. Phillips said it would be

unfair to judge the case before the court did.

Nathan Rupp, Balistreri's attorney, said the charges were political harassment. He said he would establish in court that minors had a right to be at the Scene because it was a restaurant. Balistreri, he said, has had an unblemished record for 21 years.

Rupp also said Balistreri would relinquish the tavern license for Gallagher's, 829 N. 3rd st., if the Kings IV license was approved. Balistreri operated Gallagher's, another tavern-restaurant, until it closed in October.

The committee's recommendation for approval of the Kings IV license was unanimous. It will come before the common council Monday.

(Indicate page, name of newspaper, city and state.)

2-1
THE MILWAUKEE JOURNAL
MILWAUKEE, WISCONSIN

Date: 12/18/69

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Editor: RICHARD W. LEONARD

Title:

Character:

or

Classification:

Submitting Office: MILWAUKEE

☐ Being Investigated

NOT ONLY

43

(Mount Clipping in Space Below)

Drew Backs Off On Bar Permit OK

Ald. William R. Drew Monday reversed himself and asked the common council to hold off granting a liquor license to Peter F. Balistrieri for the Kings IV tavern and restaurant.

Drew told the council at its closing meeting of the year

Case continued to Dec. 30; page 8.

that he had changed his mind because Balistrieri refused to accept a summons served on him last week at city hall and because additional charges were filed over the weekend.

Balistrieri sought the license for the Kings IV at 720 N. Water st.

Drew represents the downtown area. By council tradition, the local alderman controls the granting of licenses in his own ward.

"No Prejudgment"

"I want to make it clear I am not making a prejudgment on the guilt or innocence of the parties involved," Drew told other aldermen.

But citing "an obligation to the community," Drew said that "in this case I think it proper to honor the request of the district attorney that the

matter not be acted on at this time."

Last Thursday before the council's license committee, Drew had recommended that Balistrieri be given the license.

Dist. Atty. E. Michael McCann had asked the committee not to act on the matter until charges involving Balistrieri on about 90 counts were disposed of.

Earlier Backing

Drew said at that time that the committee could not prejudge Balistrieri. The committee backed his recommendation that the license be granted.

As Balistrieri left the hearing, a deputy sheriff attempted to serve him with a summons involving charges that 52 minors were permitted to loiter at the Scene, a nightclub at 624 N. 2nd st. Balistrieri is president of Bals, Inc., which operates the Scene.

Balistrieri refused to take the summons. His attorney, Nathan Ruppa, later took it and then let it drop to the floor.

3 Charged

The next day, Balistrieri, his son, Joseph P. Balistrieri, and Miss Jennie Alioto, identified as the bookkeeper for Bals, Inc., were charged with a total of 37 counts of making false and fraudulent sales tax returns for Bals, Inc.

The council unanimously followed his recommendation that the application be returned to the license committee.

Drew said he would ask the committee not to act on it until the charges against Balistrieri had been disposed of.

The Kings IV license is currently held by Angelo Di Giorgio, 1812 N. Marshall st. Di Giorgio last month was charged in two counts of commercial gambling. He would be forced to give up the license if convicted.

(Indicate page, name of newspaper, city and state.)

A-5

MILWAUKEE SENTINEL
MILWAUKEE, WISCONSIN

Date: 12/23/69

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Author:

Editor: BOBBY SONNERORN

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Character:

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Classification:

Submitting Office: MILWAUKEE

☐ Being Investigated

NY ONLY

MI 94-316

Ad Lib

323 West Wells Street, Milwaukee, Wisconsin

Following are a series of newspaper articles appearing in Milwaukee newspapers regarding the Ad Lib Club:

(Mount Clipping in Space Below)

Warren Keeps Up Action on Taverns

By THOMAS G. LUBENOW
of The Journal Staff

State Atty. Gen. Robert W. Warren said Wednesday that his crackdown on firms which did not file required corporate records was an effort to keep the crime syndicate out of legitimate business in Wisconsin.

Warren made the statement as he filed another action to dissolve a tavern corporation in which Frank P. Balistreri is believed to have a financial interest. The new action was against Mando Enterprises, Inc., which operates the Ad Lib, 323 W. Wells st. The Ad Lib has featured strip tease dancers and female impersonators.

Tuesday Warren moved to dissolve another Balistreri tavern corporation, Ben-Kay, Inc., which operates the Downtowner, 340 W. Wells st., another strip tease tavern, and a nonoperating firm headed by Balistreri's son, Joseph, named Arquebus, Inc.

"Free of the Stain"

Warren alleged that the firms had not filed annual reports with the secretary of state's office as required by law. In his new suit he alleged that Mando Enterprises had not filed an annual report since it was incorporated in 1965.

In his statement Wednesday, Warren noted that the tavern and nightclub business was particularly susceptible to being infiltrated by crime syndicate members.

"The best way we can maintain this industry free of the stain of organized crime is to insist that all corporations engaged in such business comply fully with the statutes of Wisconsin," he said.

He also noted that the state justice department had received \$12,500 in federal safe streets act funds to develop and operate a "special attack force" to suppress the infiltration of organized crime into legitimate business in the state.

He said the justice department had been "scrutinizing" corporations which hold beer and liquor licenses because of its enforcement responsibilities in that field.

In Picture Layout

Balistreri, 51, was described on the senate floor by Sen. John L. McClellan (D-Ark.) as a member of one of the 22 principal families of the organization called La Cosa Nostra. Life magazine included Balistreri in a picture layout of regional and national Mafia leaders.

Although he was unavailable for comment Wednesday, Balistreri has consistently denied that he is the head of the local Mafia family. Atty. Maurice

Walsh, Chicago, who is representing Balistreri in Balistreri's fight to stay out of prison on a federal income tax evasion conviction, has said that he is "totally ignorant" of Balistreri's alleged connections with the Mafia.

According to records in the secretary of state's office filed at the time of incorporation, the president of Mando Enterprises

is Joseph Maniaci, 3326 N. Richards st. Maniaci could not be reached for comment.

Last week, acting on an identical action filed by Warren, Circuit Judge, William Sachtjen, Madison, dissolved Alfie's Inc., which operates a tavern at 4126 N. Teutonia av.

Wednesday the city clerk's office confirmed that a former bartender at the Ad Lib, Joseph Enea, 37, of 1522 E. Kane pl., had applied for a license to operate Alfie's and had paid a \$503 license fee.

Enea filed an application as an individual proprietor, indicating that he would have no partners, according to Helmut H. Wolf, city license clerk.

Enea said in the application that he had a lease on the premises which runs from Sept. 15 to next June 30. He said he paid \$650 a month rent.

However, the owner of the building, Mrs. Margaret Zimmerman, Burlington, and her attorney, Albert Franz, said that Enea had no valid lease. They said they had not talked to Enea.

"There is a lease with Alfie's, Inc.," said Franz. "We have nothing with Joe Enea."

Mrs. Zimmerman said the building was built about 1952 and that she operated it for several years as the Crossroads Inn. For several years, Denny Holland, a local tavern-keeper, operated it.

(Indicate page, name of newspaper, city and state.)

B-1
MILWAUKEE JOURNAL
MILWAUKEE WISCONSIN

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Editor: RICHARD LEONARD

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Classification:

Submitting Office: MILWAUKEE

☐ Being Investigated

MI ONLY

(Mount Clipping in Space Below)

4 Linked Taverns Face Court Date

Four taverns linked to Frank P. Balistrieri were ordered closed in temporary injunctions issued late Friday until the tavern operators obtained workmen's compensation insurance.

The state claimed the four did not have workmen's compensation insurance as required by law.

The four taverns are: The Ad Lib, a strip spot at 323 W. Wells st.; the King's IV, a tavern-restaurant at 720 N. Water st.; The Scene, a tavern night club at 624 N. 2nd st.,

and the Brass Rail, a strip spot at 744 N. 3rd st.

However, the taverns were open Friday night, apparently after having obtained the required insurance.

A spokesman for the attorney general's office, which brought the actions, said that Balistrieri's son, Atty. Joseph P. Balistrieri, accompanied by Atty. Dominic Frinzi, entered one of the taverns while one of the court orders was being served.

Frinzi told state agents with the sheriff's deputy serving the orders that the four

taverns had obtained the insurance and would not close, the spokesman said.

He said Atty. Balistrieri waved some papers that appeared to be insurance policies.

Proof that the insurance was obtained will be required in court appearances scheduled for Monday, the spokesman said.

The civil actions against the four were instigated Friday by Atty. Gen. Robert Warren at the request of the state's criminal investigation division and

the department of industry, labor and human relations which is charged with administering workmen's compensation laws.

Circuit Judge Harvey L. Neelen signed the temporary restraining orders against the four taverns and ordered their operators to appear at 10 a.m. Monday to show cause why permanent injunctions should not be issued.

The temporary orders prohibit the taverns from operating unless or until they have the required workmen's compensation insurance.

According to the complaints



Porchetta Di Giorgio

by Warren, neither the Kings IV nor the Brass Rail has carried workmen's compensation insurance since last Jan. 1.

Di Giorgio Named

The orders involving the two taverns were issued against Angelo Di Giorgio, licensee of the Kings IV since its opening last March, and Rudolph Porchetta, licensee of the Brass Rail, which opened under his operation last December.

The other orders were issued against Mando Enterprises, Inc., operator of the Ad Lib,



Frank P. Balistrieri

Peter F. Balistrieri

and Bals, Inc., operator of The Scene.

Joseph Maniaci, 3326 N. Richards st., a bartender at Balistrieri's tavern strip spot, The Downtowner, 340 W. Wells st., is president of Mando Enterprises.

Balistrieri's brother, Peter Balistrieri, 1634 N. Jackson st., is president of Bals, Inc.

Policy Canceled

Mando had carried workmen's compensation insurance until Sept. 21 when the policy was canceled by the insurance company for nonpayment of premiums, according to the complaint.

The complaint against Bals, Inc., says that on Oct. 16 no workmen's compensation insurance was carried to cover employees.

Single dates of violation also are specified in the other three complaints although they charge that the violations occurred over longer periods of time.

The complaints seek judgments of \$100 against each of the four taverns and permanent injunctions prohibiting them from operating until they have obtained workmen's compensation insurance.

(Indicate page, name of newspaper, city and state.)

A-1

MILWAUKEE SENTINAL
MILWAUKEE WISCONSIN

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Author:

Editor: HARRY SONNEBO RN

Title:

Character:

or

Classification: 92-

Submitting Office: MILWAUKEE

☐ Being Investigated

(Mount Clipping in Space Below)

Insurance Man Says Balistrieri Saved Bars

By ALEX P. DOMISH and
THOMAS G. LUBENOW
of The Journal Staff

Frank P. Balistrieri personally thwarted attempts by the state attorney general's office to close four downtown night spots as part of the state's drive against organized crime, an insurance man said Wednesday.

At the last minute, Balistrieri prevailed on William J. Rebholz, an insurance agent at 6300 W. Blue Mound rd., to write industrial compensation insurance on the four places so they could remain open. He operates Rebholz Insurance, Inc., at that address.

The four are: The Ad Lib, 323 W. Wells st.; the Kings IV, 720 N. Water st.; the Scene, 624 N. 2nd st., and the Brass Rail, 744 N. 3rd st.

"After I found out what I got into, I sent out a cancellation notice," Rebholz said, adding that he knew Balistrieri as a former client.

The cancellation notice is effective Nov. 28, at which time the attorney general's office could renew its attacks.

Officially, Balistrieri is not connected with the taverns, which are operated by friends and relatives. Helmund H. Wolf, city license clerk, said Balistrieri's name appeared nowhere on the records.

The police department has accused Balistrieri of multiple tavern ownership. The common council, however, has refused to revoke the licenses of taverns in which police said he is involved.

Complaints Filed Oct. 24
State law limits to two the number of taverns in which a

person may have a financial interest.

The attorney general's office filed complaints Oct. 24 alleging that the four taverns had operated without the required industrial compensation insurance. The tactic is part of the crackdown on crime, meant to harass Balistrieri, who faces two years in prison on a federal income tax conviction. The case is being appealed.

The complaints against the taverns were scheduled for court Oct. 27. Before the case began, Atty. Joseph P. Balistrieri, Frank Balistrieri's son, showed four insurance policies to Circuit Judge Harvey L. Neelen, who then declined to issue an order closing the taverns.

"Frankie called me up on the phone that weekend," Rebholz told reporters. "He asked if I'd write the comp insurance. I said 'sure.'"

"He picked up the policies and I gave him the bill."

The bill was \$82 for each place.

The bills were paid by checks from four different corporations operating the taverns, Rebholz said, adding he did not recall which bank they were written on.

Rebholz said he carried liability insurance on The Scene some years ago.

"I had to get insurance from Lloyds of London for that," Rebholz said. "Lots of companies claim that go-go joints are a bad risk because the girls throw their backs out of whack."

"Frank was reasonably current in premium payments to me until the government got after him. Now I'm stuck for around \$1,200 on premiums (on the Scene insurance) he hasn't paid."

Rebholz said he wrote the policies for several reasons. Besides the fact that Balistrieri had been a client, Rebholz said, a Balistrieri relative once

had worked in his insurance office.

"And because I see nothing wrong with taverns," he added.

Rebholz said he sent cancellation notices to Balistrieri after he was contacted by a representative of the attorney general's crime investigating staff.

"When I got a call that night — at the office that night — because of (Atty. Gen. Robert) Warren's work, then I knew what I'd gotten into," Rebholz said.

"After I found out what had happened, I'm off it now."

(Indicate page, name of newspaper, city and state.)

A-1

MILWAUKEE JOURNAL
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☐ Being Investigated

(Mount Clipping in Space Below)

Ad Lib Judgment Pursued

The state attorney general's office is attempting to get a court judgment of \$3,300 from the Ad Lib, a night spot linked to Frank P. Balistrieri, because of alleged violations of the state workmen's compensation law.

In a circuit court action, the attorney general's office said the Ad Lib, 323 W. Wells st., was without compensation insurance from Sept. 21 through Oct. 23.

The complaint said that the club's insurance had been canceled Sept. 21 by the Aetna Life & Casualty Co. for nonpayment of premiums. Balistrieri, a downtown night spot operator, later secured insurance for the club from the Rebholz agency, 6300 W. Blue Mound rd.



Frank P. Balistrieri

Each day of violation, the complaint said, "constitutes a nuisance and endangers the public health and welfare in that the defendant is a licensee in a tolerated industry whose employees' work involves the

constant risk of physical harm or injury."

The law permits a forfeiture of \$100 a day for each violation.

As part of a crackdown on organized crime, the attorney general's office tried to close four night spots linked to Balistrieri, including the Ad Lib. The attempt failed when Balistrieri personally secured insurance to cover the night spots.

The case is to be heard by Circuit Judge Harvey L. Neelen.

The other three taverns are the Kings IV, 720 N. Water st., the Scene, 624 N. 2nd st., and the Brass Rail, 744 N. 3rd st.

City hall records show no official link between Balistrieri and the four taverns which are operated by close friends and relatives.

(Indicate page, name of newspaper, city and state.)

B-1

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MILWAUKEE, WISCONSIN

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Classification: 94-316

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☐ Being Investigated

(Mount Clipping in Space Below)

Ad Lib Wins; Scene Gets Jab

A judge relieved the pressure on one downtown club connected to Frank P. Balistreri Monday, but the district attorney applied it elsewhere.

In the former, Circuit Judge Harvey L. Neelen dismissed an action to close the Ad Lib, 323 W. Wells st. In the latter, operators of The Scene, 624 N. 2nd st., were charged with 52 counts of allowing minors to loiter.

Named in the summons against The Scene were Bals, Inc., which operates the club, and Peter F. Balistreri, Frank's brother, president of Bals.

Peter Balistreri and the corporation were ordered to appear Dec. 23 before County Judge Christ T. Seraphim to face the charges. The maximum penalty against the corporation is a \$250 fine on each count. Balistreri, if convicted, could get a \$250 fine or 60 days in jail on each count.

Investigation Made

The charges came out of an investigation of The Scene by investigators from the state justice department and the district attorney's office. The investigation was part of a campaign against Balistreri, who has been identified in the United States senate as a Mafia member.

Investigators said they found 52 minors on the premises Friday night — 16 youths and 36 girls aged 16 to 20. Club operators argued that minors were allowed because the club operated a restaurant.

Dist. Atty. E. Michael McCann said the law required a club to show that more than half of its receipts came from food sales before it could allow minors inside. He said a hot dog stand was operating in The Scene's lobby Friday night, but there was no evidence that the kitchen was operating.

Judge Finds No Fault

In the other case, Mando Enterprises, Inc., which operates the Ad Lib, was accused of failing to provide workmen's compensation insurance for employees on Nov. 29 and 30. A complaint by the state attorney general's office sought a \$100 penalty for each of the two days.

Neelen decided that the Ad Lib's operators had attempted to obtain the required insurance. He said they were not at fault for the lack of insurance coverage on the two days.

Atty. Joseph P. Balistreri, Frank's son, who represented Mando Enterprises, introduced a letter which showed that the Wisconsin compensation rating bureau promised the insurance on payment of the first monthly premium of \$91.

The letter also contained a request for payment of a previous premium of \$93.

The corporation sent in the \$91, but the bureau refused the insurance pending payment of the \$93.

Neelen said the letter did not make clear that payment of the \$93 was a condition for obtaining the insurance.

He also dismissed a contempt action against Mando Enterprises for allegedly remaining open in violation of a restraining order when it had no insurance.

(Indicate page, name of newspaper, city and state.)

P-13

THE MILWAUKEE JOURNAL
MILWAUKEE, WISCONSIN

Date: 12/9/69

Edition: LATEST

Author:

Editor: RICHARD H. LEONA

Title:

Character:

or

Classification:

Submitting Office: MILWAUKEE

☐ Being Investigated

(Mount Clipping in Space Below)

Ad Lib Sues Warren for Allegation

The officers of a Milwaukee nightclub corporation Wednesday sued Atty. Gen. Robert W. Warren in federal court at Madison for \$60,000. They alleged that Warren had begun "malicious and unjustifiable" legal proceedings against the firm.

The lawsuit was brought by Joseph and Frances Maniaci, 3326 N. Richards St., president and vice president of Mando Enterprises, which operates the Ad Lib, at 323 W. Wells St. The Ad Lib is one of a string of Milwaukee taverns linked to Frank P. Balistreri, identified on the US Senate floor as a member of the Mafia.

Also named as defendants were Peter Peshek, an assistant attorney general, and Herbert Krusche and Walter Younk, investigators for the attorney general.

The complaint said that a lawsuit filed by Warren against the firm alleging that

it operated without workmen's compensation insurance for two days injured the firm's good name and interfered with business.

The suit was dismissed later by Milwaukee Circuit Judge Harvey Neelen.

Warren said Thursday: "We're not concerned about this suit. All we're doing is enforcing the laws of the state."

(Indicate page, name of newspaper, city and state.)

B-3

THE MILWAUKEE JOURNAL
MILWAUKEE, WISCONSIN

Date: 1/22/70

Edition: LATEST

Author:

Editor: RICHARD H. LEONARD

Title:

Character:

or

Classification:

Submitting Office: MILWAUKEE

☐ Being Investigated

(Mount Clipping in Space Below)

Claim Stirs Outburst by Son of Balistreri

The son of Milwaukee night-club operator Frank P. Balistreri exploded in court Thursday when Asst. Dist. Atty. Theodore Hodan said Balistreri had been linked with organized crime.

Atty. Joseph Balistreri interrupted when Hodan started to say the elder Balistreri had been named on the floor of the US Senate as a member of the Cosa Nostra.

"I will object right now," shouted Balistreri, who represented the defendant, Mando Enterprises. "Frank Balistreri, he is my father. I am not going to give the district attorney's office a forum to attack my father any longer."

Dist. Atty. E. Michael McCann would not back down, however. "The case was but the first battle in a continuing war," he said Friday.

He said it was the first successful prosecution in a string of cases his office and the State Justice Department were

pressing against organized crime in Milwaukee.

"In such cases we will ask for maximum fines, for imprisonment and for revocation of licenses," McCann said.

He said "anybody who attacks my father, I can't face it with equanimity."

The judge overruled the objection and permitted Hodan to complete his statement. Hodan said it was a matter of public record that Frank Balistreri was involved with the Cosa Nostra in this area.

He also said it was common

knowledge in the community that Mando Enterprises "is believed to be connected with Frank Balistreri." Balistreri was not a defendant in the case.

Joseph Balistreri later apologized to the judge for his outburst but added that Hodan's remarks had been "outrageous." He also said he couldn't take "politicians advancing their own careers at the expense of my father."

The incident occurred before Outagamie County Judge Nick

Schaefer of Appleton, sitting in County Court here.

Schaefer imposed \$2,600 in fines on Mando Enterprises, which operates the Ad Lib, a night spot at 323 W. Wells St., for violating state beer and liquor credit purchasing and licensing laws.

Hodan asked maximum fines of \$500 on each of 13 counts against Mando and revocation of its class B tavern license. Hodan said the charges were "a culmination of a long investigation" by the offices of the district attorney and the attorney general.

Schaefer declined to revoke the license.

Writ Granted

A county judge was prohibited Thursday from hearing a criminal case against the operator of Kings IV, a downtown nightclub.

Circuit Judge Max Raskin granted a writ of prohibition sought by Atty. Joseph Balistreri on behalf of the club's operator, Angelo B. Di Giorgio, 32, of 1821 N. Marshall St.

Di Giorgio was charged with five counts of violating state beer and liquor credit purchasing and licensing laws. He was scheduled for trial Thursday before Outagamie County Judge Nick Schaefer of Appleton, sitting in County Court here.

Raskin held that the charges against Di Giorgio called for fines, not imprisonment, and therefore was not a criminal proceeding.

He said the District Attorney's Office should have proceeded against Di Giorgio in civil court rather than criminal court.

Di Giorgio was accused of purchasing beer and liquor for the Kings IV, 720 N. Water St., while in debt for similar purchases, contrary to state law. He also was charged with not listing a debt when applying for a class B tavern license.

(Indicate page, name of newspaper, city and state.)

14

THE MILWAUKEE JOURNAL
MILWAUKEE, WISCONSIN

Date: 4/3/70

Edition: LATEST

Author:

Editor: RICHARD H. LEONARD

Title:

Character:

or

Classification: 94-316

Submitting Office: MILWAUKEE

☐ Being Investigated

(Mount Clipping in Space Below)

Three Clubs Open After IRS Seizure

By ALIDA JOHNS

Fifteen Internal Revenue Service (IRS) agents seized four downtown Milwaukee nightclubs linked to Frank P. Balistrieri Friday night, but three reopened within an hour and 15 minutes.

All four were closed by revenue agents for alleged nonpayment of a total of \$6,354 in federal taxes.

Three reopened when representatives of the night spots came up with the money the government demanded.

Closed at 9 p.m. were the Kings IV, 720 N. Water St.; the Brass Rail, 744 N. 3rd St.; the Ad Lib, 323 W. Wells St., and the Scene, 624 N. 2nd St.

The only spot which was still closed late Friday was the Kings IV.

The Brass Rail reopened at 9:45 p.m., the Ad Lib at 10 p.m. and The Scene at 10:15 p.m.

All of the clubs have been linked to Balistrieri, his relatives or longtime associates.

Tax Liens Filed

Recent tax liens filed by IRS with the Milwaukee County register of deeds indicated that all four clubs were delinquent in payment of employee

withholding taxes and that the Brass Rail also owed 1969 federal unemployment taxes.

The four clubs, their licenses and amounts federal agents said were owed are:

• Kings IV is licensed to Angelo DiGiorgio, \$2,714 in withholding taxes owed for the third quarter of 1969.

• The Brass Rail is licensed to Rudolph Porchetta, \$824 in withholding taxes owed for the last half of 1969 including the unemployment taxes.

• The Ad Lib, operated by Mando Enterprises, Inc., \$1,360 in withholding taxes owed for the last half of 1969.

• The Scene, operated by Bals, Inc., \$1,456 in withholding taxes owed for the last half of 1969.

Another one of the night spots connected with the Balistrieri family, The Downtown, operated by Ben Kay, Inc., was seized by revenue officers on both March 5 and April 30 for nonpayment of withholding and corporate income taxes. In both cases, the seized property was released within one hour when the accounts were paid.

Walter S. Stumpf, IRS district director for the state, said that enforced collection action, including the seizure and sale of property, can result from not paying taxes. What is unusual, Stumpf pointed out, is the co-ordinated seizure of four businesses at one time by the IRS collection officers.

In Friday's action, revenue officers posted signs on the club doors and cash registers that said: "Warning: United States Government Seizure."

"This property has been seized for nonpayment of internal revenue taxes by virtue of levy issued by the district director of internal revenue. All persons are warned not to

remove or tamper with this property in any manner under severe penalty of the law."

The agents told patrons in the bars, "We're federal officers. This place is under seizure."

Customers left the places, and no others were permitted to enter.

Employees were permitted to enter and remain in case the money to pay the delinquencies arrived.

At the Ad Lib, a bartender stood in front telling prospective customers that the place had been closed temporarily.

At The Scene, a crowd of young persons stood in front, waiting for doors to reopen. About 25 patrons were inside when agents ordered it closed.

A list of civil and criminal charges involving six taverns associated with Balistrieri has been filed by Atty. Gen. Robert W. Warren with Ald. Allen R. Calhoun Jr., chairman of the Common Council's License Committee.

Among those named by Warren were:

• Bals, Inc., which operates The Scene. Included in pending cases listed by Warren were counts of sales tax fraud, permitting minors to loiter, sale of liquor to a minor, violation of the state's beer and liquor credit laws and failing to report indebtedness for beer and liquor applications and a temporary restraining order filed in a public nuisance action.

• Di Giorgio — violation of the beer credit law, the liquor credit law and failure to report beer indebtedness on a license application.

• Mando Enterprises — Warren listed convictions on counts of violation of the beer credit law, violation of the liquor credit law, failure to report indebtedness and pending counts of failure to

(Indicate page, name of newspaper, city and state.)

A-1
MILWAUKEE SENTINEL
MILWAUKEE, WISCONSIN

Date: 6/13/70

Edition: FINAL

Author:

Editor: HARRY SONNEBORN

Title:

Character:

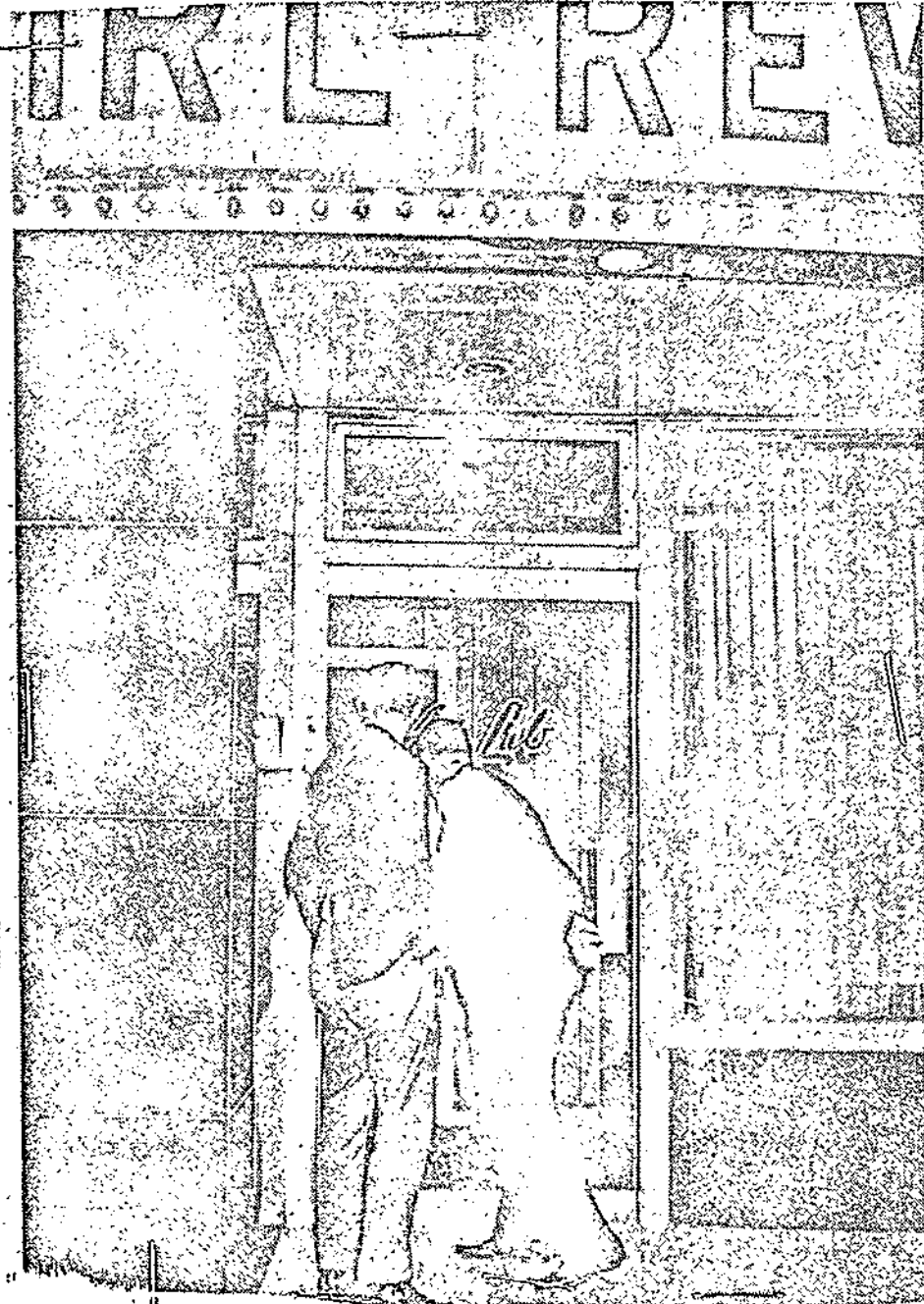
or

Classification:

Submitting Office: MILWAUKEE

☐ Being Investigated

Workmen's compensation.
Porchetta — Warren listed pending counts of violation of the beer credit law, failure to report indebtedness for beer on a license application and a fine for failure to carry workmen's compensation.



Two men tried to look into the Ad Lib, 323 W. Wells St., Friday night after Internal Revenue Service agents seized that place and three other places for alleged nonpayment of taxes. Three reopened within two hours.

(Mount Clipping in Space Below)

Ad Lib Suit Is Dismissed By US Judge

Special to The Sentinel

Madison, Wis. - Federal Judge James E. Doyle Monday dismissed a suit brought by operators of a Milwaukee tavern charging officials of the attorney general's office with harassment.

The judge denied a motion to dismiss a similar suit brought by operators of another tavern.

Doyle granted a motion by the attorney general's office to dismiss an \$80,000 damage suit brought by Joseph Manjaci, his wife, Frances, and Mando Enterprises, Inc., operators of the Ad Lib, 323 W. Wells St.

Immunity Upheld

The suit charged Atty. Gen. Robert W. Warren, one of his assistants and two investigators with conspiring to harass them in their operation of the tavern.

In dismissing the action, Doyle said that Warren and his assistant were immune from a suit for damages while performing quasijudicial acts and that they did not lose their immunity by "conspiring," as alleged, with the two investigators whose acts may not be quasijudicial.

Doyle denied a motion to dismiss a second action, a \$200,000 damage suit brought by Peter, Mary and Joseph Balistrieri and Bals, Inc., operators of The Scene, 624 N. 2d St.

Rights Violation Claimed

They claimed that a state raid on The Scene on Nov. 28, 1969, was made without due process and violated rights under the 4th and 14th Amendments.

Doyle held that the officers were not acting in a quasijudicial or judicial capacity but in an investigative role.

The operators of The Scene charged that during the raid the state investigators illegally halted business, checked customers' identification cards, liquor supplies and invoices.

Because of this, they said, about 100 customers were forced to leave, costing The Scene \$1 each in refunds.

(Indicate page, name of newspaper, city and state.)

B-9

MILWAUKEE SENTINEL
MILWAUKEE, WISCONSIN

Date: 7/21/70

Edition: FINAL

Author:

Editor: HARRY SONNEBORN

Title:

Character:

or

Classification:

Submitting Office: MILWAUKEE

☐ Being Investigated

MI 94-316

Downtowner

340 West Wells Street, Milwaukee, Wisconsin

The October 3, 1969, edition of "The Milwaukee Journal" contains the following article:

(Mount Clipping in Space Below)

5 Firms File Papers, State Suits Dismissed

Journal Madison Bureau

Madison, Wis. — Suits to dissolve five Milwaukee corporations, four of which operate taverns, were dismissed Thursday by Circuit Judge Morris Maloney, Madison, after Atty. Joseph P. Balistreri reported that the corporations had filed reports required by law.

The attorney general's office, which started the suits, did not object to dismissal. The state's purpose — that reports naming officers of the corporations be filed with the secretary of state's office — has been achieved, Peter Peshek, an assistant attorney general, told Maloney.

The corporation reports, filed with the secretary of state after Atty. Gen. Robert W. Warren began the suit, did not list Frank P. Balistreri as an officer of any of the five. Balistreri was an incorporator of one of the five firms, Ben-Kay, Inc., when it filed incorporation papers in 1952, but the firm had not filed required reports in recent years.

Ben-Kay operates the Downtown cocktail lounge, 340 W. Wells st.

Joseph Balistreri, son of Frank, told Maloney the corporations had paid \$345 in delinquent corporation filing fees.

Maloney also ordered Balistreri to pay \$60.60 per corporation — a total of \$303 — as legal and attorney fees.

The corporations had been delinquent in filing corporation reports as far back as 1958, Peshek said.

The five corporations and the persons now listed as officers are:

Arquebus, Inc., 211 W. Wisconsin av. — Joseph P. Balistreri, 211, W. Wisconsin av.,

president; John Balistreri, 3043 N. Shepard av., vice-president; Bennedetta Balistreri of the Shepard av. address, secretary, and Catherine Balistreri of the Shepard av. address, treasurer. Joseph Balistreri said that Arquebus is a nonoperating firm.

Ben-Kay, Inc., 340 W. Wells st. — Rudolph Porchetta, 2848 N. 36th st., president; Peter Picciurro, 1916 E. Hamilton st., vice-president; Jennie Alioto, 2440 N. Dousman st., secretary and treasurer.

Milwaukee Tradewinds, Inc., 829 N. 3rd st., which operates Gallagher's at that address — Peter Balistreri, 1634 N. Jackson

st., president; Joseph Balistreri of the Jackson st. address, vice-president; Miss Alioto, secretary and treasurer.

Bal's, Inc., 624 N. 2nd st., which operates The Scene at that address — Peter Balistreri, president; Mary Balistreri of the Jackson st. address, vice-president; Joseph Balistreri, secretary and treasurer.

Mando Enterprises, Inc. 323 W. Wells st., which operates the Ad Lib at that address — Joseph Maniaci, 3326 N. Richards st., president; Francis Maniaci of the Richards st. address, vice-president; Ann Porath, 1831 N. Marshall st., secretary.

(Indicate page, name of newspaper, city and state.)

B-1

MILWAUKEE JOURNAL
MILWAUKEE WISCONSIN

Date: 10/3/69

Edition: LATEST

Author:

Editor: RICHARD LEONARD

Title:

Character:

or

Classification: 94-316

Submitting Office: MILWAUKEE

☐ Being Investigated

MI 94-316

The Brass Rail

7104 North 3rd Street, Milwaukee, Wisconsin

The September 20, 1969, edition of the "Milwaukee Sentinel" contained the following article regarding the Brass Rail:

(Mount Clipping in Space Below)

Clubs' Operator Named in Writ

Rudolph A. Porchetta, long-time associate of Frank P. Balistrieri, Friday was named in a warrant charging him with 12 counts of violating state beer credit and licensing laws connected with his operation of the Brass Rail, 744 N. 3rd st.

Porchetta also operates the Downtowner cocktail lounge at 340 W. Wells st. for Ben-Kay, Inc., which earlier this week was charged in a 15 count corporation summons with violating state beer and liquor credit and licensing laws.

The warrant for Porchetta was authorized by Dist. Atty. E. Michael McCann, who issued two more summonses against corporations operating local night spots linked to Balistrieri, his relatives or associates.

12 Counts Listed

Mando Enterprises, Inc., doing business as the Ad Lib at 323 W. Wells st., was charged with 12 counts of violating state beer and liquor credit purchasing and licensing laws.

Bals, Inc., which operates The Scene at 624 N. 2nd st., was charged with nine counts of violating the same laws.

The complaint against Porchetta was signed by Charles J. Lelinski, an investigator for the enforcement bureau of the state department of justice.

Porchetta is accused in 11 counts of purchasing beer for the Brass Rail from the Jos.

Schlitz Brewing Co. and Miller Brewing Co. between Jan. 28 and Aug. 19, 1969, while indebted more than 15 days for previous beer purchases.

The other count charges Porchetta with failing to state on an application for a class B tavern license, filed with the city clerk's office on May 26, an indebtedness in excess of \$400 to Miller more than 15 days old.

\$500 Fine Possible

Conviction on each count is punishable by a maximum \$500 fine and 90 days in the county jail.

Mando Enterprises is charged in 10 counts with purchasing beer on credit from Miller between February, 1968, and July, 1969, while being indebted more than 15 days to Miller.

Another count charges Mando Enterprises with purchasing liquor from the Cream City Liquor Corp. while being indebted more than 30 days to Edison Liquor Corp. for past purchases.

In the other count, Mando Enterprises is accused of failing to report on a Class B tavern license application June 11, 1968, that it owed Miller in excess of \$200 for more than 15 days.

Bals, Inc., is charged in five counts with making liquor purchases on credit from Cream City in 1968 while being indebted more than 30 days. Two other counts accuse Bals, Inc., of purchasing beer on

credit from Miller in August and October, 1968, while being indebted more than 15 days.

Another count charges Bals, Inc., with failing to note outstanding indebtedness of more than 30 days to Cream City for liquor purchases when it filed an application for a Class B license on June 11, 1968. The other count accuses the corporation of failure to list an outstanding debt to Miller when Bals, Inc., filed application for a Class B license June 14, 1968.

Mando Enterprises and Bals, Inc., were directed to respond to the summonses in county court Oct. 2.

(Indicate page, name of newspaper, city and state.)

A-5

MILWAUKEE SENTINAL
MILWAUKEE WISCONSIN

Date: 9/20/69

Edition: FINAL

Author:

Editor: HARRY SONNEBORN

Title:

Character:

or

Classification:

Submitting Office: MILWAUKEE

☐ Being Investigated



Rudolph
A.
Porchetta

MISCELLANEOUS ACTIVITIES AND ASSOCIATIONS

On [] MI T-1 advised the father of FELIX (Milwaukee PHIL) ALDERISIO died recently and the wake and funeral held in Chicago, Illinois, were attended by FRANK BALISTRERI and [] BALISTRERI made no mention of the death of ALDERISIO's father to the membership of the Milwaukee LCN family.

b6
b7C
b7D

MI T-1 advised on [] that FRANK BALISTRERI had been in Chicago during the week of August 18 to 22, 1969, attending a wedding of one of the relatives of a Chicago LCN family member. MI T-1 said FRANK BALISTRERI had also met frequently with former heavyweight boxing champion ROCKY MARCIANO when MARCIANO was in Milwaukee during the recent Italian-American Open Golf Tournament.

MI T-1 advised on [] that FRANK BALISTRERI was negotiating for the purchase of a building at 1477 North Farwell Avenue, Milwaukee. A liquor store was formerly located at this address and the liquor license remains in effect at this location. According to the rumors heard by MI T-1, WALTER BROCCA would remodel this building and BALISTRERI would attempt to establish a retail liquor store.

b6
b7C
b7D

The November 7, 1969, edition of the "Milwaukee Sentinel" contained a lengthy article which in part indicated the Milwaukee Building Inspector's Office had ordered a halt to the remodeling work being done on the North Farwell Avenue building. This building was rented during January, 1969, by [] FRANK BALISTRERI [] in his business operations. A liquor license was issued for this location on May 1, 1969, in the name of DOMINIC GULLO known by MI T-1 to be an LCN member. In the liquor application, GULLO stated he had leased the building, while when the building owner was interviewed he indicated the building had been leased by [] GULLO denied BALISTRERI had any interest in the proposed liquor store, but admitted knowing BALISTRERI. As a result, the City Building Inspector's Office advised that occupancy permits and building permits would not be approved.

FEDERAL BUREAU OF INVESTIGATION

1Date 12/1/69

Detective [] Special Assignment Squad, Milwaukee Police Department, advised he had located a police accident report regarding an accident involving FRANK BALISTRERI which took place on November 11, 1969, at 7:15 p.m. in the vicinity of 901 North 9th Street, Milwaukee.

b6
b7c

The report reflects BALISTRERI's 1968 Cadillac bearing Wisconsin license B29-907 was struck from the rear by an automobile driven by JAMES REHRAUER, 4221 North 42nd Place, Milwaukee, Wisconsin. REHRAUER was taken to the County Emergency Hospital for treatment of lacerations of the forehead. Occupants of BALISTRERI's car refused hospitalization.

BALISTRERI was driving the car and his brother, PETER BALISTRERI, and a Milwaukee attorney GREGORY GRAMLING were passengers in the car. BALISTRERI's car was driven from the scene after the accident while REHRAUER's had to be towed away by a wrecker truck.

- 61 -

On 11/19/69 at Milwaukee, Wisconsin File # MI 94-316

by SA DANIEL E. BRANDT/rah Date dictated 11/25/69

MI 94-316

The following article which appeared in the November 27, 1969, edition of the "Milwaukee Sentinel" concerns the above automobile accident:

(Mount Clipping in Space Below)

Balistrieri Reported In Hospital

Frank P. Balistrieri's attorney, Maurice J. Walsh of Chicago, has notified United States Atty. David J. Cannon that Balistrieri is in Mount Sinai hospital as the result of an auto accident nearly two weeks ago.

Cannon said Wednesday that Walsh's letter said that Balistrieri received back injuries in the auto accident and also is being treated for a cardiac condition related to the accident.

Balistrieri reportedly entered the hospital last week and was still there Tuesday.

However, the hospital said Wednesday night that it had "no patient by that name."

Asked when he was dismissed from the hospital, a spokesman said she "did not have that information."

According to police reports, the accident occurred about 7:15 p.m. Nov. 11 near the courthouse in the 900 block of N. 9th st. The police report gave the following account of the auto accident:

Balistrieri, 51, of 3043 N. Shepherd av.; his brother, Peter F. Balistrieri, 50, of 1634 N. Jackson st., and Atty. Gregory Gramling, 39, of 2328 N. 73rd st., Wauwatosa, were riding in



Frank P.
Balistrieri

Frank Balistrieri's car when it was hit from the rear by an auto driven by James Rehrauer, 44, of 4221 N. 42nd pl.

Rehrauer, alone in his car, was treated at county emergency hospital for a head laceration.

Frank Balistrieri complained of pains in the neck and back, but refused hospitalization.

Peter Balistrieri complained of pains in the head and knees, but also refused hospitalization. So did Gramling, who

complained of back and head pains.

Balistrieri's Cadillac received extensive rear end damage in the accident.

Balistrieri had slowed his car in traffic when it was hit from the rear by the car driven by Rehrauer.

According to the report, no charges were filed in connection with the accident.

Cannon said the letter from Walsh apparently was sent to him for informational purposes. He said he received it last week.

(Indicate page, name of newspaper, city and state.)

A-28
MILWAUKEE SENTINEL
MILWAUKEE, WISCONSIN

Date: 11/27/69
Edition: FINAL
Author:
Editor: HARRY SONNEBORN
Title:

Character:
or
Classification: 94-316
Submitting Office: MILWAUKEE
☐ Being Investigated

MI 94-316

MI T-1 advised on [redacted] that the recent automobile accident involving FRANK BALISTRERI took place on the evening when a court hearing was scheduled for BALISTRERI's nephew JOSEPH BALISTRERI when he was sentenced to 60 days in jail on a contempt of court charge.

b7D

MI T-1 advised on [redacted] that a Christmas party was held on December 7, 1969, at FRANK BALISTRERI's Kings IV nightclub for Local 200 of the Teamsters Union and was attended by approximately 200 people who were charged \$20 each. Among those who attended the party were the following:

FRANK RANNEY, President of Local 200
Teamsters Union

ROBERT W. HANSEN, Circuit Court Judge

MICHAEL T. SULLIVAN, County Judge

CHRIST T. SERAPHIM, County Judge

[redacted]

b6
b7C

MI T-1 said BALISTRERI had a table on the first floor for the entire evening and that FRANK RANNEY and [redacted] were with BALISTRERI at his table during the entire evening.

On [redacted] MI T-1 advised a party was held at FRANK BALISTRERI's Kings IV Nightclub on the evening of December 21, 1969, attended by approximately 150 people which was also attended by FRANK BUCCIERI, who MI T-1 advised was a member of the Chicago LCN family.

On [redacted] MI T-5 advised FRANK BALISTRERI

[redacted]

b7D

MI 94-316

The "Milwaukee Sentinel" edition of March 11, 1970, contained the following article regarding FRANK J. PROVINZANO concerning his connection with FRANK BALISTRIERI:

(Mount Clipping in Space Below)

Ex-Employee Of IRS Is Indicted

A former employee of 20 years with the Internal Revenue Service (IRS) here was indicted Tuesday by the federal grand jury on moral and perjury charges.

Frank J. Provinzano, 44, who was a branch chief with the audit division before his resignation Feb. 6 from IRS, was named in the indictment.

Provinzano had testified in the 1966 Federal Court income tax evasion trial of Frank P. Balistreri. Provinzano said he typed a net worth statement requested of Balistreri by the Wisconsin Tax Department in 1954.

Balistreri, Milwaukee nightclub operator, is appealing his conviction on charges of evading \$19,231 in taxes on \$54,330 in income for 1959 and 1960.

Provinzano was charged in Tuesday's indictment with using his IRS post to oppress a subordinate, William Lassow, into allowing Provinzano to perform homosexual acts.

Lassow, of Wausau, is an IRS tax technician, the indictment said.

Provinzano also used his official position with IRS for extortion, the indictment continued, by demanding that a second person permit Provinzano to commit homosexual acts against the other person.

The three remaining charges in the five count indictment involved charges of perjury by Provinzano, 1629 W. Capitol Dr., in connection with the alleged moral offenses.

In the Balistreri trial, another IRS agent, Ernest G. Johannes, testified that Provinzano had asked in 1960 or 1961 "why there was a beef about Balistreri's tax affairs."

Johannes said he had questioned Balistreri about a tax matter involving the old Roosevelt Hotel in which Balistreri had a financial interest.

An investigation later showed, Johannes said, that the typewriter used on the income tax return of the hotel corporation had been used by Provinzano to type his application when he applied for a job with IRS.

It also was the typewriter used by Provinzano to type the Wisconsin net worth tax form for Balistreri, Johannes testified.

The indictment charging

Provinzano said he had been questioned by Victor R. Weber, an IRS internal security inspector, and denied under oath he made any homosexual advances or overtures to any subordinate or engaged in any homosexual acts with anyone.

Provinzano's statements were false, according to the indictment, because he knew he

had made homosexual advances from last Oct. 23 through Jan. 5 against a subordinate and committed homosexual acts against two different persons in September and December of 1967.

David J. Cannon, United States attorney, said the evidence in the case was developed during an intensive two month investigation by treasury department inspectors working in conjunction with his office.

If Provinzano were found guilty of all charges in the indictment, Cannon said, he could be sentenced to a maximum of 23 years in prison and fined a total of \$21,000.

Provinzano's classification with IRS put him in a salary range of \$18,531 to \$24,093 a year.

(Indicate page, name of newspaper, city and state.)

A-5
MILWAUKEE SENTINEL
MILWAUKEE, WISCONSIN

Date: 3/11/70

Edition: FINAL

Author:

Editor: HARRY SONNEBORN

Title:

MI 94-316

MI T-5 advised on [redacted] that a party was given at FRANK BALISTRERI's Kings IV Nightclub on the evening of March 15, 1970, attended by many members of the Milwaukee Italian Community, including FRANK BALISTRERI, PETER BALISTRERI, STEVE DE SALVO, JOSEPH CAMINITI, JR., the son of a Milwaukee union official. FRANK BUGOIERI, described by MI T-5 as a member of the Chicago LCN family, also attended this party and was in the constant company of [redacted] Sally's Restaurant.

b6
b7C
b7D

MI T-1 advised on [redacted] that FRANK BALISTRERI attended the wake for Milwaukee LCN member JOSEPH SPERO who died on April 17, 1970.

MI T-1 advised on [redacted] that FRANK BALISTRERI attended the wake for TONY ALBANO, Milwaukee LCN family member who died on April 24, 1970.

The following newspaper article contained information regarding FRANK BALISTRERI's association with ANDREW JOSEPH LOCOCO, West Coast hotel operator:

(Mount Clipping in Space Below)

Crime in Milwaukee Described to Court

Organized crime in Milwaukee — including bookmaking operations and concealed financial transactions—was described in a document entered into court records in Los Angeles Wednesday.

The report was made by Asst. US Atty. Gerald F. Uelmen to Federal Judge A. Andrew Hauk in the case of a former Milwaukeean — Andrew Lococo, who was convicted of perjury in Hauk's court April 16.

Lococo, 51, was convicted of lying before a federal grand jury June 26, 1969, when he denied speaking to Ray Mirr, a convicted Milwaukee gambler, over the telephone in the previous year.

The grand jury was investigating the fixing of horse races in California and Florida through dope, bribes and other means.

Sentencing on Monday

Lococo is to be sentenced at 2 p.m. Monday.

Uelmen made the report as a recommendation to Hauk in "the interests of justice in achieving uniformity in sentencing, the effectiveness of jail sentences in perjury cases as a deterrent and the criminal background and organized crime affiliations of Lococo."

Uelmen's report was compiled from the files of the FBI, federal narcotics division files, internal revenue service investigations, the intelligence division of the Los Angeles police department and confidential sources.

Uelmen said that Frank P. Balistrieri, head of the Milwaukee Cosa Nostra family, obtained a \$125,000 loan from a Milwaukee bank after Frank H. Ranney, secretary-treasurer

of Teamsters Local 200 here, told the bank that a large teamster deposit would be made if the bank granted a loan to Frank Balistrieri through Balistrieri's attorney son, Joseph. A \$500,000 deposit from the Teamster Central and Southern States Pension Fund, of which Ranney is a trustee, was made Sept. 10,

1968, and on the same day a \$125,000 loan was made to Joseph Balistrieri, Uelmen's report said.

Restaurant in Suburb

Uelmen said that Lococo also attempted to use Frank Balistrieri's influence in obtaining a Teamster loan for an expansion to Lococo's hotel and restaurant in Hawthorne, a suburb 15 miles south of Los Angeles.

The report also indicated that Balistrieri headed an extensive bookmaking operation in the Milwaukee area and that it had connections in California.

One of Balistrieri's close associates, Steve De Salvo, operated a bookmaking business out of Fazio's Restaurant and Cocktail Lounge, 634 N. 5th St., Uelmen said. The report did not give dates for the operation.

Uelmen also said that Balistrieri frequently used his son, Joseph, as a cover to conceal the elder Balistrieri's financial transactions.

Part of the verbatim report, submitted in writing as part of the court record, follows:

"In 1948, the defendant (Lococo) purchased an interest in the Cockatoo Cafe in Hawthorne, becoming sole owner a

short time later. By the defendant's own admission, bookmaking activities were carried on at the Cockatoo at this time. The defendant was arrested on a bookmaking charge by the Los Angeles County sheriff's officers on Sept. 21, 1949.

Had Fire in 1958

"The Cockatoo was destroyed by fire Jan. 29, 1958, and reopened as the Cockatoo Inn in October, 1958. Since that time, a Cockatoo Hotel has been added, and considerably expanded. Frequent allegations concerning prostitution and gambling activity at the establishment have been made in the course of the past 20 years. However, local authorities have indicated they have found no evidence to support these allegations. It has been suggested they are in a position to know, since the 'city fathers' are frequently Mr. Lococo's guests at the Cockatoo Inn.

"In November, 1958, the defendant was subpoenaed before the Rackets Committee of the California State Assembly. He declined to answer questions.

Heavy Betting Reported

"More recently, the defendant has been known as a very large bettor, both on horse races and sporting events. He is a frequent patron of the racetrack, where he has been seen in the company of many of the leading members of the Los Angeles 'Cosa Nostra' family, including Frank Desimone, now deceased, who attended the 1957 Appalachian conference, and Nick Lacata, identified as the present 'boss'.

(Indicate page, name of newspaper, city and state.)

THE MILWAUKEE JOURNAL
MILWAUKEE, WISCONSIN

Date: 5/21/70

Edition: LATEST

Author:

Editor: RICHARD H. LEONARD

Title:

Character:

or

Classification: 94-316

Submitting Office: MILWAUKEE

☐ Being Investigated

MI ONLY



Frank Balistreri

of the family. Lococo has also been reported as the source of large 'layoff' bets, including a wager placed through William Lawler, as evidence produced in this trial disclosed.

"Throughout the past 30 years, the defendant has maintained close relationships with many Milwaukee racketeers, a number of which relationships were disclosed in the course of this trial.

"The closest associates of the defendant include the following:

"A. Frank P. Balistreri:

"Frank P. Balistreri was publicly identified as head of the Milwaukee 'family' of the Cosa Nostra by Sen. McClellan on March 11, 1969. Balistreri, who operates a string of six Milwaukee nightclubs, in most of which his interest is concealed by having the licenses held in the name of relatives and associates, is presently appealing a 1967 conviction of income tax evasion upon which he was sentenced to two years' imprisonment.

"Balistreri reportedly takes

his ~~office~~ from Felix (Milwaukee Phil) Alderisio, notorious Chicago racketeer presently serving a prison sentence for transmitting murderous threats in interstate commerce. Balistreri's relationship to Alderisio was recently confirmed in a petition to the Supreme Court on Balistreri's behalf. In it, Atty. Edward Bennett Williams disclosed that Alderisio admitted Balistreri had been a frequent visitor to premises used by Alderisio at 645 N. Michigan Ave. in Chicago in 1964 and 1965. The 'bugging' of these premises had been disclosed in the course of



Ranney

J. Balistreri

a hearing last year before Judge Warren J. Ferguson of this court.

"The relationship between the defendant, Andrew J. Lococo, and Balistreri is an extremely close one involving numerous financial ties. As disclosed by the evidence in this trial, at least 21 telephone calls were made from the defendant's office at the Cockatoo restaurant to Balistreri in Milwaukee in a six month period, most of them person to person to Frank Balistreri. Several of the calls, interestingly enough, were made person to person to Balistreri at Milwaukee nightclubs in which his interest is concealed: 'The Scene' at 624 N. 2d St. in Milwaukee, and the ~~Wings IV~~ at 720 N. Water

St. in Milwaukee. Calls were also placed to Balistreri's home and charged to the Cockatoo credit card from Washington, D. C., and Cicero, Ill., at times when the defendant was in these locations.

"The defendant's explanation of these calls as being to 'Joseph Balistreri,' his attorney, to negotiate a loan from the Teamsters' fund in Chicago for expansion of his hotel, is especially interesting in light of these facts:

"A. Joseph Balistreri is the 28 year old son of Frank Balistreri, and has frequently been used as a 'cover' to conceal his father's interest in various financial transactions. For example, a joint account with Joseph was one of the devices used by Balistreri to conceal his assets, as disclosed in his tax evasion trial.

"B. Frank Balistreri is known to be a close associate of Frank H. Ranney, secretary of a Milwaukee Teamsters' local. In September of 1968, a Milwaukee bank was approached by Joseph Balistreri for a loan of \$125,000 to purchase a building in which a Milwaukee nightclub was located. After the loan was initially turned down, Frank H. Ranney contacted the bank and informed them a large deposit of Teamster union pension funds would be available if the bank, in turn, granted a loan to Frank Balistreri through his son, Joseph.

"On Sept. 10, 1968, the bank received a deposit of \$500,000 cash from the Central States, Southeast and Southwest Areas Pension Fund of the teamsters' union, of which Ranney was a trustee. On the same day, a commercial loan of \$125,000 to Joseph Balistreri was granted by the bank. Two weeks later, an additional loan of \$63,000 was approved.

"Thus, it is readily apparent that Lococo was seeking to use Frank Balistreri's influence to secure teamster financing for expansion of the Cockatoo Hotel. Reliable information has also been received that Balis-

terieri sought to assist Lococo in the financing of a \$1 million tuna boat venture which was never consummated.

"It should be noted that in his testimony before the grand jury in this case, the defendant denied ever having any business transactions or connections whatsoever with Balistrieri, and stated he could not remember the last time he had spoken by telephone to Balistrieri. The 21 calls revealed in this trial were made in the six months immediately preceding the defendant's grand jury appearance.

"Lococo has been known to confer with Balistrieri frequently in the course of numerous trips to Milwaukee, and reliable sources indicated that Balistrieri, accompanied by Steve De Salvo and Tony Petrolle, also known as Tony Machi, was a guest of Lococo's at the Cockatoo in late December, 1968. In his June 26, 1969, appearance before the grand jury, the defendant denied having seen Balistrieri in California during the previous year.

"In a subsequent appearance, on Sept. 4, 1969, the defendant was ordered to produce all registration records for the Cockatoo for Balistrieri, De Salvo and Machi. None were produced for Balistrieri or De Salvo, and the defendant declined to answer whether they had ever stayed at the Cockatoo. A registration record was produced, however, under the name 'T. Machi,' indicating three guests staying at the Cockatoo Dec. 27-30, 1968, all 'compliments' of the house.

"Andrew Lococo can make no claim that he was unaware of Balistrieri's background as a racketeer. In January of 1965, when asked if he would assist the FBI by providing information regarding criminal activities, he responded that he had friends in Milwaukee who were reputedly hoodlums, mentioning Buster (Frank) Balistrieri by name. At that time, he indicated he would be reluctant to assist the FBI with regard to Balistrieri, since he grew up with him, they played around together and even

committed minor violations of the law together.

"B. Steve De Salvo:

"De Salvo, a Milwaukee bookmaker, has been identified as a member of Balistrieri's Milwaukee 'family' of the Cosa Nostra. He was known to operate a bookmaking operation out of Fazio's restaurant, operated by Frank and Anthony Fazio on 5th St. in Milwaukee. De Salvo has been identified as a visitor to the Cockatoo in late December, 1968, with Balistrieri and Machi.

"In his grand jury appearance, the defendant said he did

Dec. 25-30, 1968; Dec. 27-30, 1968 (with De Salvo and Balistrieri), and Jan. 13-16, 1969. All of these stays were 'compliments' of the house.

"Tony Machi also accompanied Lococo on a fishing trip to Mexico in January, 1969. Other than the belief he 'had a bar' in Milwaukee, the defendant professed ignorance as to Ma-

chi's occupation or source of income.

"D. Frank L. Sansone:

"The 117 calls to Sansone's residence during a four month period, from both the defendant's residence and office, as



Steve De Salvo Raymond Mirr Frank Sansone

not remember ever seeing Balistrieri and De Salvo together, but admitted De Salvo had 'stopped by' in California with Tony Machi in the previous year.

"C. Thomas and Ton Petrolle, also known as Machi:

"Both Machis are known

bookmakers in the Milwaukee area. Both are frequent recipients of telephone calls from the defendant's office at the Cockatoo and the defendant's residence. In the six month period between October, 1968, and April, 1969, there were seven such calls to Tony Machi in Milwaukee, and 10 calls to Thomas Machi. Tony Machi is also a frequent visitor to the defendant's hotel, having registered there March 9-11, 1968;

well as credit card calls from other locations, are a matter of record in this case. How many of these calls were made by the defendant, and how many by his brother, Nick, remains a mystery, but it is most unlikely these calls were just to 'talk football.'

"Sansone has long been known as a Milwaukee bookmaker, operating under the patronage of the Balistrieri organization. On Nov. 24, 1969, Sansone was arrested by FBI agents on charges of interstate transmission of wagering information. Arrested at the same time, in Las Vegas, Nev., was Sansone's son, who was observed calling 'line information' to his father from Las Vegas. Numerous betting markers and other wagering paraphernalia were seized in Sansone's Milwaukee home at the time of his arrest. Sansone has

several-prior gambling convictions, and once served a prison term for Mann act (white slave traffic) offenses.

"He was a guest (compliments of the house) of Lococo's at the Cockatoo on the occasion of his appearance before the grand jury July 17-18, 1969.

"The defendant is known to be a frequent associate of a number of individuals in the Los Angeles area who are known to be engaged in book-making and related activities."

Ranney had no comment. Neither Ballstrieri could be reached for comment.

During Lococo's trial, which lasted a week, US Atty. Uelmen introduced evidence showing that Lococo had made at least eight calls to Mirr's home, 1259 N. 72nd St., Wauwatosa, or to his business, Technic Dental Laboratory, 2250 S. Kinnickinnic Ave., between June, 1968, and June, 1969.

Mirr admitted in court that he had talked by telephone to Lococo and to Lococo's brother, Nick, in the year before the grand jury investigation. Mirr had testified before the grand jury July 17, 1969, and Aug. 21, 1969.

Mirr was asked whether his telephone conversations with the Lococo brothers were about football and about odds on professional and college games. Mirr conceded that they had talked about football.

"I could never make predictions like that (point spreads)," said Mirr.

(Mount Clipping in Space Below)

Ranney Denounces Statement on Loan

Frank H. Ranney, secretary-treasurer of Teamsters Local 200, has denounced a federal attorney's statement that Ranney influenced a Milwaukee bank to lend Frank Balistrieri \$125,000 through his son, Joseph.

Ranney also assailed The Milwaukee Journal for printing the attorney's statements, which were entered into court records May 20 in Los Angeles.

In giving his answer in the Wisconsin Teamster, a monthly union newspaper, Ranney identified the Continental Bank & Trust Co. as the bank that made the loan in September, 1968. Asst. US Atty. Gerald F. Uelmen did not mention the bank by name when he described the loan in a document entered into Federal Court records.

Howard Meister was president and principal owner of the bank at the time of the loan, but is not connected with it now. Last year he sold his shares to Universal Telephone Co., which has controlling interest now.

Gives Details

Ranney also revealed details of the loan that had not been made public previously.

He accused The Milwaukee Journal of "antiunion, yellow journalism" because it printed Uelmen's statements, which were made after the perjury conviction of Andrew Lococo, a former Milwaukeean, in the Los Angeles Federal Court.

Lococo, now awaiting sentence, was convicted of lying to a federal grand jury when he denied speaking on the telephone

to Ray Mirr, a convicted Milwaukee gambler.

Uelmen said Lococo had "maintained close relationships with many Milwaukee racketeers." He said Lococo's closest associates included Frank P. Balistrieri, who "was publicly identified as head of the Milwaukee 'family' of the Cosa Nostra by Sen. McClellan on March 11, 1969."

"A Large Deposit"

Uelmen said Balistrieri was a close associate of Ranney and that Ranney told the bank in September, 1968, that (in Uelmen's words) "a large deposit of Teamster Union pension funds would be available if the bank, in turn, granted a loan to Frank Balistrieri through his son, Joseph."

Uelmen said Joseph, an attorney, "has frequently been a cover to conceal his father's interest in various financial transactions."

Uelmen said the bank got a \$500,000 deposit from the pension fund Sept. 10, 1968, "on the same day, a commercial loan of \$125,000 to Joseph Balistrieri was granted by the bank. . . . Two weeks later, an additional loan of \$63,000 was approved," Uelmen's statement continued.

Ranney was asked by Journal reporters to comment on Uelmen's statement both before and after it was printed. He declined both times, but broke his silence in the June issue of the Teamster.

"Kennedy Clan"

In a signed article, he accused The Journal of joining hands with "the infamous character assassin, Sen. John McClellan of Arkansas, and the anti-Teamster Kennedy clan, with the obvious attempt

to use McCarthyism to smear and destroy."

He wrote:

"I have known the Balistrieri family for over 30 years — in fact from the time Frank Balistrieri's father and uncle signed their first contract with Local 200.

"My son even drove a truck for Mr. Balistrieri and became a friend of his grandson, Joseph Balistrieri, who is now a capable and successful attorney. . . ."

Ranney, one of the trustees of the pension fund, said the fund had an income of more than \$12 million a year.

Tells of Timetable

"This vast amount of money must be invested the day it is received by the fund in order for the fund to have the earnings necessary to pay employees' pensions to which it is committed," Ranney wrote.

"A timetable of available funds that must be set aside to meet the commitments for the purchase of securities, mortgage loans and the payment of pensions is kept by the fund's staff. Pensions are now being paid out at the rate of in excess of \$60 million per year.

"Incoming money that is not immediately needed for this purpose cannot be left idle in a checking account. It must be invested in short term securities."

Ranney said that for a long time certificates of deposit were the best form of short term investment. Short term government bonds are now, he continued.

"However, the fund, at the discretion of its staff, now uses both of these sources," he said.

"No funds are ever invested in any venture unless the fund's certified public accountant certifies that the income of this project will adequately service the loan and the fund's certified appraiser certifies that the fund has adequate security for its loan."

"No loan from the fund has ever been made to any Balistrieri."

(Indicate page, name of newspaper, city and state.)

A-1

THE MILWAUKEE JOURNAL
MILWAUKEE, WISCONSIN

Date: 6/4/70

Edition: LATEST

Author:

Editor: RICHARD H. LEONARD

Title:

Character:

or

Classification:

Submitting Office: MILWAUKEE

☐ Being Investigated

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He continued:

The West Side Bank has always been considered from its early beginning as a 'union bank,' a bank in which most unions kept their funds and conducted their bank business.

"It has always been operated by union minded management. The bank has now moved from its old location at 3rd and Juneau to 8th and Wisconsin and has changed its name to the Continental Bank & Trust Co.

"Many unions, including Local 200, still use this bank for many of their banking needs. The personnel of this bank are aware of the Central States Pension Fund's need to make short term investments and has, from time to time, sought

to sell certificates of deposits to the fund.

"Many banks in the Milwaukee area in the past have, from time to time, been used as investment agents for the pension fund, including the old West Side and now Continental Bank & Trust Co.

"When I became a trustee of the pension fund, the president of Continental Bank asked if it were possible for them to receive consideration for another certificate of deposit. I forwarded the request to the executive secretary of the fund and subsequently a 90 day certificate of deposit in the amount of \$500,000 was purchased from the Continental Bank by the fund.

"It was subsequently renewed for another 90 days and then withdrawn to be used according to the staff's timetable of investments.

"Any bank official that would make a 10 year mortgage loan to Joseph Balistreri or anyone else on the basis of a 90 day certificate of deposit would, on the first examination by state bank examiners, be called to task and, if he didn't correct it, would find his bond canceled and the bank would be subject to penalties for not complying with legal banking procedures.

"Anyone with banking knowledge, that certainly The

Milwaukee Journal has, would know that a bank could not make a loan without proper security enabling the bank to be protected in the case of default. A bank doing this would be in serious trouble with both the state and federal governments."

Ranney added:

"The Journal Company reporters have been apprised of these facts by myself and have investigated them but, instead of printing the truth, it seeks to destroy anyone who will not knuckle under to The Journal policy by using innuendos, half truths, and guilt by association."

In March, 1969, Ranney acknowledged to a reporter that he arranged for the deposit of \$500,000 in pension fund money in the Continental Bank.

He said it was done at the insistence of Meister and was in no way connected with the loan to Joseph Balistreri.

Those were the only statements Ranney ever made to The Journal about the fund or the loan. He was questioned because of statements that Meister had made.

Reached at his bottling company here, Meister said Thursday that the relationship between a banker and client was confidential and that he could not comment.



Frank (left) and Joseph Balistreri



Meister

Ranney

(Mount Clipping in Space Below)

Close Balistreri Ties Denied in L. A. Court

Andrew J. Lococo, 51, a former Milwaukeean who was recently convicted of perjury in Los Angeles, has denied a government contention that he had had a close relationship with Frank P. Balistreri, Milwaukee nightclub owner.

In a deposition filed with the Federal Court in Los Angeles last week, Lococo denied any financial dealings with Balistreri or obtaining his assistance in getting a loan from the Teamster Southern and Central States Pension Fund.

"During the past 27 years since I have been in California," the deposition said, "I have not seen Frank Balistreri on more than two occasions in California for a brief period of time, with the exception that during the spring of 1969, when I retained Joseph Balistreri as my attorney to assist me in negotiating a loan from the teamsters' fund in Chicago, I saw Frank Balistreri on two or three occasions while talking to his son, Joseph."

"... I categorically deny at any time or any way having had anything to do with recruited members of the Cosa Nostra or with the Cosa No-

tra in Los Angeles, Milwaukee or in any other city or place."

Convicted of Lying

Lococo, 51, was convicted of lying before a federal grand jury last year when he denied speaking to Ray Mirr, a convicted Milwaukee gambler, over the telephone in the previous year. The grand jury was investigating the fixing of horse races.

In May, the government filed a report with the judge in opposing probation for Lococo. Last week's filings by the defendant and his attorney were in answer to the prosecution's report.

Asst. US Atty. Gerald F. Uelman, in last month's report, said Lococo attempted to use Frank Balistreri's influence in obtaining a teamster loan to finance expansion of Lococo's hotel and restaurant in Hawthorne, Calif.

Uelman said Balistreri had been identified as the head of the Milwaukee Cosa Nostra family and indicated that the Milwaukeean headed an extensive bookmaking operation that had connections in California.

"My total relationship with the individuals in Milwaukee during the last 27 years," Lococo said in his deposition, "has been the casual relationship of former boyhood friends, and I have never been involved in any personal business transactions of any kind with them."

He denied that bookmaking or prostitution were carried on at his Hawthorne establishment since he purchased it in 1948. Among its guests over the years, he said, have been Richard M. Nixon when he was vice president, along with high police officials, an archbishop, prominent businessmen and political leaders.

Moved West in 1944

Lococo denied that he knew or heard of anyone,

named Felix (Milwaukee Phil) Alderisio. The government's brief said that "Balistreri reportedly takes his orders from ... Alderisio, notorious Chicago racketeer..."

According to a report submitted to the court by a probation officer, Lococo dropped out of school in Milwaukee after completing the ninth grade because he was over 18. He moved to California in 1944, bought an interest in the restaurant in 1948 and 20 years later was reportedly worth \$2,976,136.

In another affidavit filed with the California court, Mirr, of 1259 N. 72nd St., Wauwatosa, said that for the last 9 or 10 years he had been "exclusively engaged in his occupation as a dental technician."

He now is a partner in Technic Dental Products, 2250 S. Kinross Ave., which

makes and distributes dentures and other dental supplies, Mirr's affidavit said. This required him to work six or seven days a week as well as evenings, at times, and he conducts no other business activity, it said.

"Any statement that 'this business is a front' and that 'Mirr's main activities are probably involved in illegal operations' is a false conjecture and speculation and entirely incorrect and untrue," the affidavit added.

Lococo is scheduled to be sentenced Monday on the perjury charge.

(Indicate page, name of newspaper, city and state.)

B-13

THE MILWAUKEE JOURNAL
MILWAUKEE, WISCONSIN

Date: 6/14/70

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Editor: RICHARD H. LEONARD

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☐ Being Investigated

FEDERAL BUREAU OF INVESTIGATION

1

Date 5/25/70

On May 13, 1970, Captain Special Assignment Squad of the Milwaukee Police Department, made available the following Xerox copy of an accident report concerning FRANK BALISTRERI, which accident took place on April 18, 1970:

b6
b7c

- 75 -

On 5/13/70 at Milwaukee, Wisconsin File # MI 94-316
by SA DANIEL E. BRANDT/rah Date dictated 5/19/70

This document contains neither recommendations nor conclusions of the FBI. It is the property of the FBI and is loaned to your agency; it and its contents are not to be distributed outside your agency.

REPORTING
AGENCY

MILWAUKEE POLICE DEPT

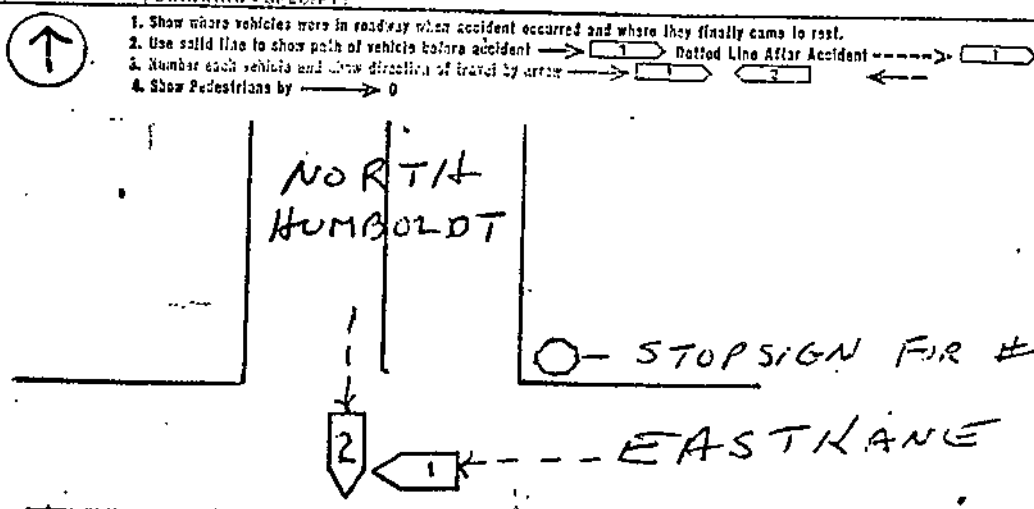
☒ URBAN
☐ RURAL

UNIFORM POLICE REPORT OF MOTOR VEHICLE TRAFFIC ACCIDENT

STATE OF
WISCONSIN

A. TIME		DATE OF ACCIDENT		1970		DAY OF WEEK		SAT		HOUR		350/A		M.													
B. PLACE WHERE ACCIDENT OCCURRED:		COUNTY				INDICATE		<input checked="" type="checkbox"/> CITY		<input type="checkbox"/> VILLAGE		<input type="checkbox"/> TOWNSHIP		<input type="checkbox"/> HIT AND RUN													
		MILWAUKEE				GIVE NAME:		MILWAUKEE								<input type="checkbox"/> FATAL											
C. IF ACCIDENT WAS OUTSIDE CITY LIMITS, INDICATE DISTANCE FROM NEAREST TOWN		NORTH S E W				OF CITY OR VILLAGE										<input checked="" type="checkbox"/> PERSONAL INJURY											
		MILES														<input type="checkbox"/> MORE THAN \$100											
D. GIVE NAME OF STREET OR HIGHWAY NUMBER		ON E. KANE				KIND OF LOCALITY										<input type="checkbox"/> LESS THAN \$100											
E. INTERSECTION STREET OR HIGHWAY NUMBER		AT N. HUMBOLDT				<input type="checkbox"/> 1. APARTMENTS, STORES, FACTORIES		<input type="checkbox"/> 3. SCHOOL OR PLAYGROUND								DO NOT WRITE IN THIS SPACE											
F. IF NOT AT INTERSECTION		NORTH S E W				SHOW NEAREST INTERSECTING STREET OR HIGHWAY, MILEPOST, DELINEATOR OR LANDMARK		<input checked="" type="checkbox"/> 2. ONE-FAMILY HOMES								<input type="checkbox"/> 4. FARMS, FIELDS											
G. YEAR & MAKE OF VEHICLE		TYPE (SEDAN, TRUCK, TAXI, BUS, ETC.)				LICENSE PLATE NO.		STATE		EXP. YEAR																	
1968 CAD		CH				B29007		WIS		70																	
H. PARTS OF VEHICLE DAMAGED		AMT.				VEHICLE REMOVED TO:		BY:																			
RIGHT FRONT FENDER						DRIVEN AWAY		DRIVER																			
I. DRIVER		PRINT OR TYPE FULL NAME				PHONE NO.		ADDRESS		STREET OR R.F.D.		CITY AND STATE		RACE													
BALISTRERI, FRANK		W09-4069				3043 N. SHEPARD AVE.		MIL, WIS						W													
J. DRIVER'S LICENSE - TYPE - LICENSE NO. - STATE - EXP. YEAR		RESTRICTIONS				DATE OF BIRTH		MONTH, DAY, YEAR		AGE		SEX		INJURY													
B4232751818700 WIS 1970		NONE				5-27-18		51		M		O															
K. OWNER		PRINT OR TYPE FULL NAME				ADDRESS		STREET OR R.F.D.		CITY AND STATE																	
SAME						SAME																					
L. TOTAL OCCUPANTS		NO. KILLED		NO. INJURED		INSURANCE - NAME OF COMPANY		SEAT BELTS		INSTALLED		YES		NO													
2		0		0		YES		NO		YES		YES		NO													
M. YEAR & MAKE OF VEHICLE		TYPE (SEDAN, TRUCK, TAXI, BUS, ETC.)				LICENSE PLATE NO.		STATE		EXP. YEAR																	
1967 RAMB		SD				NONE																					
N. PARTS OF VEHICLE DAMAGED		AMT.				VEHICLE REMOVED TO:		BY:																			
LEFT FRONT FENDER						DRIVEN AWAY		DRIVER																			
O. OWNER		PRINT OR TYPE FULL NAME				ADDRESS		STREET OR R.F.D.		CITY AND STATE																	
SAME						SAME																					
P. TOTAL OCCUPANTS		NO. KILLED		NO. INJURED		INSURANCE - NAME OF COMPANY		SEAT BELTS		INSTALLED		YES		NO													
2		0		0		YES		NO		YES		YES		NO													
Q. NATURE OF INJURIES		TAKEN TO:				BY:		IN VER. NO.		SEX		INJURY		POSITION IN VEHICLE													
NONE								2		F		O		1 2 3 4 5 6													
R. NAME		NATURE OF INJURIES				AGE		SEX		INJURY		POSITION IN VEHICLE															
ADDRESS		INJURED TAKEN TO:				BY:		IN VER. NO.		SEX		INJURY		POSITION IN VEHICLE													
NAME		NATURE OF INJURIES				AGE		SEX		INJURY		POSITION IN VEHICLE															
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PEDESTRIAN		NATURE OF INJURIES				AGE		SEX		INJURY		POSITION IN VEHICLE															
ADDRESS		INJURED TAKEN TO:				BY:		IN VER. NO.		SEX		INJURY		POSITION IN VEHICLE													
F. PROPERTY STRUCK OTHER THAN VEHICLES AND NATURE OF DAMAGE, IF ANY.														G. COLLISION OF MOTOR VEHICLE WITH:													
NAME AND ADDRESS OF OWNER OF OBJECT STRUCK														<input type="checkbox"/> 1. RAN OFF ROADWAY <input type="checkbox"/> 2. OVERTURNED ON ROADWAY <input type="checkbox"/> 3. PEDESTRIAN <input checked="" type="checkbox"/> 4. MOTOR VEHICLE IN TRAFFIC <input type="checkbox"/> 5. PARKED MOTOR VEHICLE <input type="checkbox"/> 6. RAILROAD TROLLEY <input type="checkbox"/> 7. BICYCLIST <input type="checkbox"/> 8. ANIMAL <input type="checkbox"/> 9. FIXED OBJECT <input type="checkbox"/> 10. OTHER OBJECT <input type="checkbox"/> 11. OTHER VEH. COLLISION <input type="checkbox"/> 12. CURB													
H. WITNESSES														I. WITNESSES													
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1. ROAD TYPE (CHECK ONE OR MORE) DRIVER 1 2 <input type="checkbox"/> 1. ONE LANE, ALLEY <input type="checkbox"/> 2. TWO LANES <input type="checkbox"/> 3. THREE LANES <input checked="" type="checkbox"/> 4. FOUR OR MORE <input type="checkbox"/> 5. DIVIDED ROADWAY <input type="checkbox"/> 6. EXWAY, I-SYSTEM <input type="checkbox"/> 7. ONE-WAY STREET <input type="checkbox"/> 8. UNPAVED	2. TRAFFIC CONTROL (CHECK ONE OR MORE) <input type="checkbox"/> 1. RAILROAD CROSSING <input type="checkbox"/> 2. OFFICER or WATCHMAN <input type="checkbox"/> 3. AUTOMATIC SIGNAL <input checked="" type="checkbox"/> 4. STOP SIGNS <input type="checkbox"/> 5. WARNING SIGNS <input type="checkbox"/> 6. FLASHING LIGHTS <input type="checkbox"/> 7. NO CONTROL <input type="checkbox"/> 8.	3. DRIVERS ACTION BEFORE ACCIDENT NORTH S E W DRIVER NO. 1 WAS HEADED <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> ON: (ST. OR HWY.) <u>E. KANE</u> NORTH S E W DRIVER NO. 2 WAS HEADED <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> ON: (ST. OR HWY.) <u>N. HUMBOLDT</u> <input checked="" type="checkbox"/> 1. GO STRAIGHT AHEAD <input type="checkbox"/> 2. OVERTAKE <input type="checkbox"/> 3. MAKE RIGHT TURN <input type="checkbox"/> 4. MAKE LEFT TURN <input type="checkbox"/> 5. MAKE U TURN <input type="checkbox"/> 6. SLOW OR STOP <input type="checkbox"/> 7. START IN TRAFFIC LANE <input type="checkbox"/> 8. START FROM PARKED POSITION <input type="checkbox"/> 9. BACK <input type="checkbox"/> 10. REMAIN STOPPED IN TRAFFIC LANE <input type="checkbox"/> 11. REMAIN PARKED	4. POSSIBLE CONTRIBUTING CIRCUMSTANCES (CHECK ONE OR MORE) 1 2 <input type="checkbox"/> 1. SPEED TOO FAST <input checked="" type="checkbox"/> 2. FAILED TO YIELD RIGHT OF WAY <input type="checkbox"/> 3. DROVE LEFT OF CENTER <input type="checkbox"/> 4. IMPROPER OVERTAKING <input type="checkbox"/> 5. PASSED STOP SIGN <input type="checkbox"/> 6. DISREGARDED TRAFFIC SIGNAL <input type="checkbox"/> 7. FOLLOWED TOO CLOSELY <input type="checkbox"/> 8. MADE IMPROPER TURN <input type="checkbox"/> 9. INADEQUATE BRAKES <input type="checkbox"/> 10. IMPROPER LIGHTS <input type="checkbox"/> 11. HAD BEEN DRINKING <input type="checkbox"/> 12. OTHER, SPECIFY
5. ROAD SURFACE <input checked="" type="checkbox"/> 1. DRY <input type="checkbox"/> 2. WET <input type="checkbox"/> 3. SLIPY OR ICY <input type="checkbox"/> 4.	6. LIGHT CONDITIONS <input type="checkbox"/> 1. DAYLIGHT <input type="checkbox"/> 2. DUSK OR SEMI-DARK <input checked="" type="checkbox"/> 3. DARKNESS - ST. LIGHT <input type="checkbox"/> 4. DARKNESS - NO LIGHTS	7. PEDESTRIAN ACTION NORTH S E W <input type="checkbox"/> ALONG GOING <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> ACROSS OR INTO <input type="checkbox"/> 1. CROSS OR ENTER AT INTERSECTION <input type="checkbox"/> 2. CROSS OR ENTER NOT AT INTERSECTION <input type="checkbox"/> 3. WALKING IN ROWAY-WITH TRAFFIC <input type="checkbox"/> 4. WALKING IN ROWAY-AGAINST TRAFFIC <input type="checkbox"/> 5. STANDING IN ROADWAY <input type="checkbox"/> 6. GETTING ON OR OFF VEHICLE <input type="checkbox"/> 7. PUSHING OR WORKING ON VEHICLE <input type="checkbox"/> 8. OTHER WORKING IN ROADWAY PEDESTRIAN CONDITION NORMAL, SICK, DEFECT, DRINKING - SPECIFY:	
8. ROAD CHARACTER (CHECK TWO) <input checked="" type="checkbox"/> 1. STRAIGHT ROAD <input type="checkbox"/> 2. CURVE <input type="checkbox"/> 3. LEVEL <input checked="" type="checkbox"/> 4. ON GRADE <input type="checkbox"/> 5. HILLCREST	9. WEATHER <input checked="" type="checkbox"/> 1. CLEAR <input type="checkbox"/> 2. RAINING <input type="checkbox"/> 3. SNOWING <input type="checkbox"/> 4. FOG <input type="checkbox"/> 5.	10. DIAGRAM WHAT HAPPENED SHOW NORTH BY ARROW	



1st DISTRICT

Received 100 1 3 12

8. DESCRIBE WHAT HAPPENED: #1 auto stopped at the stop sign and then proceeded west on E. Kane and struck #2 auto which was traveling south on N. Humboldt

9. POLICE ACTIVITY TIME NOTIFIED OF ACCIDENT ACTION AGAINST NAME:	DATE <u>4-18-70</u> HOUR <u>3:57A</u>	SIGNATURE <u>77</u>	WHAT WAS SOURCE OF ACCIDENT INFORMATION?	PHOTOS TAKEN <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
SIGN HER	DIST. NO. <u>#1</u>	DEPARTMENT <u>MILWAUKEE PD</u>	DATE OF REPORT <u>4-18-70</u>	

MI 94-316

The June 19, 1970, edition of "The Milwaukee Journal" contained an article which reflected a \$100,000 law suit had been filed against FRANK BALISTRERI in Circuit Court, Milwaukee, Wisconsin, June 18, 1970, as the result of an automobile accident on April 18, 1970. The plaintiff, [REDACTED] Milwaukee, Wisconsin, claimed she suffered severe and excruciating pain from the accident. Her attorney [REDACTED] [REDACTED] indicated she suffered muscle injuries. The suit claimed BALISTRERI failed to yield the right-of-way, to keep a proper lookout, and to stop at a stop sign.

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The following newspaper articles are regarding FRANK BALISTRERI's association with Milwaukee politicians:

(Mount Clipping in Space Below)

Quiz Drew on Talk With Balistrieri

By GENE CUNNINGHAM

Agents from the attorney general's office questioned Ald. William R. Drew Tuesday morning concerning a meeting between Drew, another alderman and Frank P. Balistrieri, Milwaukee night spot operator, a spokesman for the attorney general said Wednesday.

Drew charged later that the attorney general was harassing him.

In a speech before the Common Council Tuesday afternoon, Drew had said:

"I fully realize I'm holding myself up to a great deal of harassment from the attorney general, which began this morning, and apparently from the district attorney."

The comment came in a lengthy speech by Drew in opposition to a motion that the council reconsider its June 23 action granting a tavern license to Balistrieri's brother, Peter F. Balistrieri.

The council Tuesday defeated by a 16 to 3 vote the resolution by Ald. Warren D. Braun asking reconsideration of the earlier action granting Peter Balistrieri a license for The Scene, 624 N. 2nd St.

Drew, in whose ward The Scene is located, asked in his speech that Balistrieri's license not be taken away.

The interview of Drew by



Balistrieri

Drew

state agents is "not a question of harassment, but a question of seeking information from public officials," Daniel P. Hanley, executive administrator to Atty. Gen. Robert W. Warren, said Wednesday.

"The attorney general is not in the business of harassment. He is in the business of enforcing the statutes of the state and calling to the attention of the appropriate units of government the violations of law taking place," Hanley said.

Second Alderman Present

Drew and another alderman were together with Balistrieri at an East Side nightclub, Hanley said. He would not identify the second alderman.

The attorney general's agents Tuesday "asked the aldermen if they cared to discuss the subject of their meeting," Hanley said. He said he understood that they did discuss it with the agents.

The meeting took place earlier in June, "just prior to the time the Common Council's License Committee recommended the granting of the licenses we were interested in," Hanley said.

The record of the attorney general's office is "clear and open" on this, Hanley said.

Cites Correspondence

"We have corresponded with the council on two occasions and called to its attention the questions of criminal violations and the case involving The Scene," he said.

Hanley was referring to a county court verdict last week finding Bals, Inc., which oper-

ated The Scene last year, guilty of 30 counts of permitting minors to loiter in the establishment.

Warren's correspondence noted that Peter Balistrieri was president and agent of Bals, Inc., and now is sole proprietor in the newly issued license.

Copy to Maier

Hanley said that a copy of one of Warren's letters to the council was sent to Mayor Maier "and I understand that he has veto power over council actions."

"In weighing the council's action (on Peter Balistrieri's license) I would hope that he (Maier) would consider the points raised by Warren," Hanley said.

Drew said Wednesday that his meeting with Frank Balistrieri "was not a prearranged meeting."

He said he was sitting at the bar in Fazio's on Jackson with the other alderman, whom he refused to identify, when Balistrieri came in.

Greeted Patrons

Balistrieri stopped and said "Hello" and also talked to a number of others there, Drew said.

"We did not arrive together. We did not leave together. I was there a number of hours before Balistrieri came in," Drew said.

He said he did not discuss licensing matters with Balistrieri.

(Indicate page, name of newspaper, city and state.)

A-1
MILWAUKEE SENTINEL
MILWAUKEE, WISCONSIN

Date: 7/2/70

Edition: FINAL

Author:

Editor: HARRY SONNENBORN

Title:

Character:

or

Classification: 94-316

Submitting Office: MILWAUKEE

☐ Being Investigated

eri nor has he discussed licensing with anyone claiming to represent Balistrieri.

Drew said he argued with the state agents Tuesday morning over their inference that he and Balistrieri "had a prearranged meeting."

"There is no truth to that. That's what I refer to as harassment," Drew said.

"The simple fact is that Mr. Balistrieri and I happened to be in the same restaurant at the same time," he said.

Frank Balistrieri has been linked to half a dozen Milwaukee taverns licensed to his relatives or associates or to corporations headed by them. He has been identified on the floor of the US Senate as a member of the Cosa Nostra.

(Mount Clipping in Space Below)

Jendusa Reports Meeting Balistrieri

By GENE CUNNINGHAM

Ald. Robert J. Jendusa, the Common Council president, said Thursday that he was the unidentified alderman who was with Ald. William H. Drew during "an unforeseen meeting" with Frank P. Balistrieri at an East Side tavern-restaurant last month.

Jendusa said he, as well as Drew, was questioned about the meeting Tuesday morning



Ald. Robert
J.
Jendusa

by agents from the attorney general's Criminal Investigation Division.

Jendusa said he explained to the agents that "it was an unforeseen meeting." He said he and Drew had stopped at Fazio's on Jackson for a drink following a business group outing and that Balistrieri walked in while they were there.

The attorney general's office told of the meeting Wednesday in replying to Drew's charge in a speech before the Common Council that he was being harassed by the attorney general.

Both the spokesman for the attorney general and Drew declined, however, to name the alderman who had been with Drew at the time of the meeting.

The attorney general's agents implied that it had been "a prearranged meeting," but it had not been, Jendusa said.

"Was I supposed to leave just because he (Balistrieri) walked in? We talked to the man," Jendusa said.

"General" Talk

Their talk consisted of greetings and "a general conversation" with Balistrieri, who also talked to a number of others at the bar, Jendusa said.

He said he and Drew had been there almost an hour when Balistrieri came in.

"If it gets to the point where

Editorial on Page 12

a public official can't stop in a public place, then something is wrong," Jendusa said.

The attorney general's office apparently had someone following Balistrieri who saw him go into Fazio's and saw him talking to them, Jendusa said.

Council Action

Tuesday afternoon, the Common Council voted not to reconsider an earlier decision granting a tavern license to Balistrieri's brother, Peter F. Balistrieri, for The Scene, 624 N. 2nd St.

In a speech opposing reconsideration of the license, Drew said that he was holding himself up to "a great deal of harassment from the attorney general, which began this morning. . . ."

The statement apparently was in reference to the interview that morning by state agents.

Atty. Gen. Robert W. Warren's office suggested Wednesday that Mayor Maier consider vetoing the council's action on Peter Balistrieri's tavern license.

Veto Power in Doubt

However, there apparently was some question whether the mayor has the power to veto the action.

Harry G. Slater, deputy city attorney, said Thursday that he could not give a reporter an opinion on whether the mayor had that power because he had already been asked for a formal opinion on it.

The attorney general, the district attorney and the Police Department had opposed granting the tavern license to Peter Balistrieri.

Bals, Inc., the corporation he had headed which operated the Scene until the change in licensing, was found guilty last week of 30 counts of permitting minors to loiter in the establishment.

(Indicate page, name of newspaper, city and state.)

B-12

MILWAUKEE SENTINEL
MILWAUKEE, WISCONSIN

Date: 7/3/70

Edition: FINAL

Author:

Editor: HARRY SONNEROHN

Title:

Character:

or

Classification:

Submitting Office: MILWAUKEE

☐ Being Investigated

MI 94-316

MI T-5 advised on [redacted] that Internal Revenue Agents had recently closed FRANK BALISTRERI's nightclubs for nonpayment of \$6,000 in withholding taxes. The clubs were reopened shortly thereafter when FRANK BALISTRERI and STEVE DE SALVO were able to raise the \$6,000 to pay off the delinquent taxes.

MI T-5 said [redacted]
[redacted] MI T-5 said [redacted]
[redacted] FRANK BALISTRERI and has no
[redacted]

b6
b7C
b7D

MI T-5 indicated FRANK BALISTRERI was in poor financial condition and is said to be considering selling the Kings IV to the First Federal Savings and Loan Association as they are considering buying additional property in the area to erect an office building. MI T-5 said BALISTRERI would have to get \$400,000 for this property to break even and realize a small profit, but understood BALISTRERI was offered \$280,000 by First Federal. MI T-5 said BALISTRERI still owes \$7,000 to Basic Fixtures Inc., and \$30,000 to Real Refrigeration Inc., for past work done on the Kings IV.

MI T-5 advised on [redacted] that representatives of the First Federal Savings and Loan Association are still in contact with FRANK BALISTRERI regarding the purchase of the Kings IV. The sum of \$500,000 has been mentioned; however, BALISTRERI is concerned about the payment of taxes in the event he should sell this building and is considering the possibility of trading the building for other property owned by First Federal to avoid the payment of taxes.

b7D

MI T-1 advised on [redacted] that information had been received that the First Federal Savings and Loan Association had made an offer to purchase FRANK BALISTRERI's Kings IV Nightclub and that BALISTRERI wants \$500,000 for this club.



UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Milwaukee, Wisconsin

August 31, 1970

In Reply, Please Refer to
File No.

Title	FRANK PETER BALISTRIERI
Character	ANTI-RACKETEERING
Reference	Report of SA DANIEL E. BRANDT at Milwaukee, dated and captioned as above.

All sources (except any listed below) whose identities are concealed in referenced communication have furnished reliable information in the past.

FEDERAL BUREAU OF INVESTIGATION
FOI/PA
DELETED PAGE INFORMATION SHEET
FOI/PA# 1203764-0

Total Deleted Page(s) = 8

Page 107 ~ Duplicate;
Page 148 ~ Duplicate;
Page 149 ~ Duplicate;
Page 150 ~ Duplicate;
Page 151 ~ Duplicate;
Page 152 ~ Duplicate;
Page 153 ~ Duplicate;
Page 154 ~ Duplicate;

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X For this Page X
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9/17/70

Airtel

To: SAC, Milwaukee

From: Director, FBI

FRANK PETER ^(P)BALISTRIERI
ANTI-RACKETEERING

ReBuairtel 8/26/70 and urairtel 9/1/70.

Immediately advise date requested report
submitted to Bureau.

MAILED 23

SEP 17 1970

COMM-FBI

EX-117

REC-57

3116-649

19 SEP 29 1970

JGL:jfp
(4)

Tolson _____
Sullivan _____
Mohr _____
Bishop _____
Brennan, C.D. _____
Callahan _____
Casper _____
Conrad _____
Felt _____
Gale _____
Rosen _____
Tavel _____
Walton _____
Soyars _____
Tele. Room _____
Holmes _____
Gandy _____

732
OCT 6 1970

MAIL ROOM ☐ TELETYPE UNIT ☐

F B I

Date: 9/30/70

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL AIRMAIL
(Priority)

TO: DIRECTOR, FBI (92-3116)

FROM: SAC, MILWAUKEE (94-316 Sub 2) -P

SUBJECT: FRANK PETER BALISTRIERI
AR

OO: MI

Re Milwaukee airtel to Bureau, 9/28/70.

Enclosed for the Bureau are two copies each of the following newspaper articles:

"US Bid Blocked In Balistrieri Suit," from the 9/29/70 edition of the "Milwaukee Sentinel"

"Judge Rejects Plea for 16 Dispositions," from the 9/28/70 edition of the "Milwaukee Journal"

[redacted] Departmental Attorney, who is handling the electronic civil suits for the Government, telephonically contacted the Milwaukee Office on 9/29/70 requesting copies of any newspaper articles referring to the deposition hearings held in Milwaukee 9/28/70. In accordance with his request, the Bureau is requested to furnish copies of the enclosed newspaper articles to [redacted]

b6
b7C

REC 45

OCT 3 1970

- 2 - Bureau (Enc. 4) AM RM
4 - Milwaukee (94-316 Sub 2)
(1 - 66-950) [redacted]
(1 - 92-222 Sub 2)

DEB/bkc 100 BY ERIC CLIP...
(6) DELIVERED TO DEP. ATT. [redacted]

NINE

b6
b7CApproved: _____
Special Agent in Charge

Sent _____ M Per _____

55 OCT 14 1970

(Mount Clipping in Space Below)

US Bid Blocked In Balistrieri Suit

The US Justice Department was blocked at least temporarily Monday in its attempt to force 16 persons to produce records relating to a number of businesses linked to Frank P. Balistrieri, Milwaukee nightclub operator.

Federal Judge Myron L. Gordon told US Atty. Neil R. Peterson that he had "some uncertainties" as to whether the Justice Department was "entitled to the inquiry you propose."

Gordon continued the hearing to Oct. 19 to give Peterson additional time to prepare a supplementary argument to show why the records are necessary.

The Justice Department had sought the records in connection with a \$1,750,000 damage suit Balistrieri has started against federal agents and the Wisconsin Telephone Co.

Balistrieri, 52, of 3043 N. Shepard Ave., has claimed in his suit that the agents and telephone company used illegal electronic eavesdropping devices during an investigation into his taxable income.

The nightclub operator already has been convicted of income tax evasion and sentenced to federal prison. He is still free pending an appeal.

Atty. Joseph P. Balistrieri, the son of Frank, argued before Gordon Monday that the Justice Department was seeking to force the 26 individuals to produce records and documents "not connected with this lawsuit."

He said he had been retained by each of the 16 persons to move for a quashing of the subpoenas the Justice Department issued ordering them to produce the records in court.

"Once we have made a motion to quash," Balistrieri said, the burden "to show the relevancy of these materials" shifts to the Justice Department.

Learned of Hearing

Peterson said that he had learned only Sunday that Atty. Balistrieri had requested a hearing on whether the subpoenas should be quashed. He said he was not prepared to argue at length why the Justice Department viewed the records as relevant, but could supplement his argument with additional time.

Peterson said one of the persons the Justice Department was seeking to bring to court was Miss Jennie Alioto, of 1634 N. Jackson St.

"Jennie Alioto has all the records, we think," Peterson said. "She was the bookkeeper."

Peterson said Miss Alioto served in the capacity under a "false name."

2nd Figure Named

The government also would seek to bring to court Salvatore J. Dentice, 1611 N. Jackson St., Peterson said.

Peterson said that Dentice was a purported operator of a jukebox distributorship, Continental Music Sales, at 2559 N. Downer Ave., on the same "premises allegedly occupied by Mr. (Frank) Balistrieri."

Peterson said the Justice Department had "reasonable belief that there is no Continental Music Sales, was no Continental Music Sales and was never intended to be."

Peterson said that at the Downer St. address, there was an office with a door on which such titles as Continental Music Sales, Continental Music

Co., and Continental Sales Co. were lettered.

"These corporations were existing there with (Frank P. Balistrieri's) knowledge and with his consent," Peterson said.

Others the Justice Department has subpoenaed in connection with the case:

Kenneth H. Read, 8025 N. Beach Dr., Fox Point, identified by the government as lessor of the premises at 2559 N. Downer Ave.; August Chiaverotti, 3018-A W. Rukskin Ave.; Joseph Balistrieri, 7807 Santa Monica Blvd., Fox Point, father of Frank P.; Mrs. Rose Palmisano, 4928 N. Hollywood Ave., sister of Frank P.

Carl J. Dentice, 8210 W. New Jersey Ave.; Peter F. Picciurro, 1016 E. Hamilton Ave.; Joseph Maniaci, 3326 N. Richards St.; Joseph Caminiti, N76-W14993 Menomonee Falls Dr., Menomonee Falls; Santo N. Marino, 1914 N. Prospect Ave.

Walter Brocca, 4023 S. Kansas Ave.; Rudolph Porchetta, 2848 N. 36th St.; Paul Borgosian, 11005 W. Blue Mound Rd., Wauwatosa; James R. Jenner, 855 N. Brenner Dr., Brookfield, and Salvatore J. Cefalu, 5741 N. 36th St.

92-3116-650

(Mount Clipping in Space Below)

Judge Rejects Plea for 16 Depositions

Federal Judge Myron L. Gordon Monday blocked, at least temporarily, the taking of written testimony from 16 persons in connection with the \$1.75 million damage suit by Frank P. Balistrieri against the Wisconsin Telephone Co., an FBI agent and several former FBI agents for alleged illegal electronic eavesdropping.

Gordon continued a restraining order he had issued last Thursday blocking the taking of the depositions until Monday's court hearing.

The continuance of the order blocked subpoenas issued by Neil R. Peterson, a Justice Department attorney, for the 16 to appear in the US attorney's office Monday through Friday.

Gordon said he had "misgivings" about the relevancy of some of the depositions and had some uncertainties as to what the government was entitled to in the inquiry.

Atty. Joseph Balistrieri,

Frank's son, argued that the testimony of the persons subpoenaed was irrelevant because the government had admitted the eavesdropping in its written answer to the complaint. Balistrieri made his statement in arguing on his motion to quash the subpoenas.

Peterson told Gordon that he would show the relevancy and involvement of the witnesses, and Gordon gave him until Oct. 19 to give supplementary information on why the depositions are necessary.

Frank Balistrieri, 3043 N. Shepard Ave., a Milwaukee nightclub owner, has charged that the telephone company and the federal agents used illegal wiretapping equipment during an income tax investigation in 1964.

Subsequently, Balistrieri was charged with income tax evasion and convicted. He was sentenced to two years in prison but is free pending an appeal of his conviction.

9-3116-650
ENCLOSURE

F B I

Date: 9/28/70

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL _____
(Priority)

TO: DIRECTOR, FBI (92-3116)

FROM: SAC, MILWAUKEE (94-316-Sub 2)

SUBJECT: FRANK PETER BALISTRIERI
AR
OO: Milwaukee

On 9/23/70, JOSEPH P. BALISTRIERI, attorney and son of the subject, filed a motion in U.S. District Court, Milwaukee, before Judge MYRON L. GORDON to quash the subpoenas issued by the Government and deposition hearings scheduled for 9/28/70 on the grounds that the discovery requested by the Government was irrelevant to the case in point. Judge GORDON entered a temporary order 9/23/70 enjoining the deposition hearings until after a hearing in U.S. District Court on 9/28/70.

During the hearing on 9/28/70, BALISTRIERI again claimed that the discovery requested by the Government was irrelevant and he further claimed that he represented most of the individuals who were subpoenaed to testify for deposition hearings. Judge GORDON was unable to hear arguments on this motion at this time and indicated he wanted briefs filed on the question by the Government within 3 weeks citing arguments showing relevancy of the depositions requested and indicated BALISTRIERI would have 3 weeks in which to reply to the Government's arguments, after which the Government would then have 2 weeks in which to reply to BALISTRIERI's arguments. M

Departmental Attorney [redacted] who represented the Government in this matter, indicated he would file an affidavit with the court citing conflicting testimony in previous deposition hearings and which would also list evidence linking the various individuals he had subpoenaed to BALISTRIERI.

2 - Bureau (AM-RM)
4 - Milwaukee (1 - 94-316-Sub 2) (1 - 66-950) [redacted]
(1 - 92-222-Sub 2)

DEB:rah
(6)

Approved: _____
Special Agent in Charge

Sent

17 OCT 1 1970

M

Per

NINE

66 OCT 14 1970

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b7c

MI 94-316-Sub 2

[] advised that the subpoenas previously issued by the Government were continued in effect by Judge GORDON.

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b7c

The Bureau will be kept advised of further developments.

F B I

Date: October 5, 1970

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL AIRMAIL
(Priority)

TO : DIRECTOR, FBI (92-3116)
FROM : SAC, MILWAUKEE (94-316-Sub 2)
SUBJECT: FRANK PETER BALISTRIERI, aka
AR

Enclosed for the Bureau are two Xerox copies of three pages of USDC Bankruptcy Docket Sheets, Case #58-B-118, regarding FRANK BALISTRIERI, (not to be confused with the subject), 2348 North 24th Place, Milwaukee, Wisconsin.

The Bureau is requested to forward the enclosures to [redacted] Departmental Attorney, who is handling the BALISTRIERI civil damage suits.

[redacted] was telephonically advised on 10/5/70, the actual bankruptcy papers are maintained in Chicago, and he indicated it was not necessary to obtain copies of the papers at this time.

2-Bureau (Encls. 6) (AM)
2-Milwaukee (94-316-Sub 2)
(1-66-950)

ENCLOSURE
ENCLOSURE ATTACHED

DFB/ds
(4)

SI-106

REC 8

92-3116-652

OCT 8 1970

Approved: 33
Special Agent in Charge

Sent _____ M Per _____

OCT 13 1970

**BANKRUPTCY DOCKET
UNITED STATES DISTRICT COURT**

58 - B

D. C. Form No. 117A Rev.

TITLE OF CASE	DATE	NAME OR RECEIPT NO.	REC.
<p><i>In the matter of</i></p> <p>Frank Balistrieri 2348 N. 24th Place Milwaukee, Wisconsin</p> <p>Cab driver Boynton Cab Co. Milwaukee, Wisconsin</p> <p align="right">Vol.</p>	<p>1958 1-30 3/16/60 MAR 29 1961</p>	<p>Atty. 68178 2</p>	<p>45 00 6 90</p>

STATISTICAL RECORD	ATTORNEYS
<p>J.S. 24 mailed</p> <p>J.S. 19 mailed</p>	<p>Marvin Holz, 176 W. Wis. Ave. Milw. Wis.</p>
	<p align="center">REFEREE AND TRUSTEE</p> <p>Referee: </p> <p>Trustee: </p> <p>Receiver: </p> <p align="right">b6 b7C</p>

DATE	PROCEEDINGS
<p>1-30-58</p> <p>3/12/58</p> <p>10/10/58</p> <p>MAR 29 1959</p>	<p>Petr. and Sched. Adj. and Order of Ref. & J. J. J. </p> <p>Bond of Receiver sum of \$100⁰⁰ with </p> <p>Bond of Trustee sum of \$500⁰⁰ with Ohio Casualty Co., Milw. Wis., atty. -</p> <p>Referee's final report.</p>

BANKRUPTCY FORM NO. 71

REFEREE'S CLAIM REGISTER RE

Frank Balistrieri

CAUSE NO.

DATE FILED	NO.	NAME AND ADDRESS OF CLAIMANT AND ATTORNEY	AMOUNT FILED AND ALLOWED	REMARKS
<i>1958</i>			FILED <i>72.55</i>	
<i>Feb. 25</i>	<i>1</i>	<i>Clark Products Inc.</i>	ALLOWED	
<i>March 10</i>	<i>2</i>	<i>Milwaukee Gas Light Co.</i>	FILED <i>132.45</i>	
			ALLOWED	
			FILED	
			ALLOWED	
	<i>21</i>	<i>3 Wisconsin Telephone Corp.</i>	FILED <i>60.86</i>	
			ALLOWED	
<i>Apr 9</i>	<i>4</i>	<i>First Wisconsin National Bank</i>	FILED <i>28.90</i>	
			ALLOWED	
	<i>21</i>	<i>5 Wisconsin Electric Power Co.</i>	FILED <i>156.93</i>	
			ALLOWED	
			FILED	
			ALLOWED	b6 b7C
<i>May 12</i>	<i>6</i>	<i>General Finance Loan Co</i>	FILED <i>37.25</i>	
			ALLOWED	
<i>12</i>	<i>7</i>	<i>Royal Neon Electric Signs Inc.</i>	FILED <i>419.35</i>	
			ALLOWED	
<i>Jun 19</i>	<i>8</i>	<i>Bagley Produce Inc.</i>	FILED <i>133.53</i>	
			ALLOWED	
			FILED	
<i>Aug 13</i>	<i>9</i>	<i>Internal Revenue</i>	ALLOWED	
<i>1958</i>			FILED <i>204.03</i>	
<i>Feb 10</i>	<i>10</i>	<i>Milwaukee Gas Light Company</i>	ALLOWED	
			FILED <i>13.33</i>	
			ALLOWED	
<i>Mar 18</i>	<i>11</i>	<i>Director of Internal Revenue</i>	FILED <i>46.24</i>	<i>Amendment</i>
<i>1961</i>			ALLOWED	
<i>Feb 8</i>	<i>12</i>	<i>Bagley Produce Inc.</i>	FILED	<i>filed</i>
			ALLOWED	
			FILED	
			ALLOWED	
			FILED	
			ALLOWED	
			FILED	
			ALLOWED	
			FILED	
			ALLOWED	

92-3116-652

BANKRUPTCY DOCKET OF JAMES E. MC CARTY REFEREE

CAUSE

IN THE MATTER OF

FRANK BALISTRIERI

2348 North 24th Place
 ADDRESS: Milwaukee, Wisconsin
 OCCUPATION: cab driver
 EMPLOYER: Boynton Cab Company

RECEIVER:

ADDR: [REDACTED] Milwaukee, Wis.

TRUSTEE:

ADDR: [REDACTED] Milwaukee, Wis.

ATTORNEYS FOR

PET. CR:

ADDR:

BKPT:

ADDR: [REDACTED] Milw., Wis.

RECVR:

ADDR:

TRUSTEE:

ADDR:

PETITION FILED January 30, 1958
 ADJUDICATED January 30, 1958
 1ST MEETING February 24, 1958
 LAST DAY FILING CLAIMS Aug. 24, 1958
 DISCHARGE Waived-June 10, 1960

IS ANY INTEREST IN REAL ESTATE INVOLVED?

DIVIDENDS PAID: (DATE AND PERCENT)

OTHER ITEMS

U.S. Dist. Court. East Dist. of Wis.

FILED

MAR 29 1958

at _____ o'clock _____
 DALE E. IHLENFELDT, Clerk

DATE	PROCEEDINGS	RECEIPT
1958		
Jan. 30	Petition, schedules and order of reference received and filed.	
Feb. 4	First meeting of creditors called for February 24, 1958. Proof of mailing notice of first meeting to creditors filed.	
	Order signed and filed appointing [REDACTED] receiver with bond fixed at \$100.00.	
17	Bond of receiver approved and filed with Clerk of U. S. District Court.	
24	First meeting of creditors; bankrupt sworn and examined. Order signed and filed appointing [REDACTED] trustee with bond fixed at \$500.00.	
Sept. 26	Bond of trustee approved and filed with Clerk of U.S. District Court.	
Oct. 23	Order signed and filed amending schedules.	
29	Affidavit of mailing filed. Inventory and appraisal filed.	
1959		
Feb. 9	Order signed and filed requiring [REDACTED] to show cause.	
Jul. 27	Stipulation between trustee and [REDACTED] attorney for [REDACTED] filed.	
Aug. 18	Notice of pre-trial signed and mailed to interested parties, filed.	
1960		
Feb. 4	Trustee's final account filed.	
	First meeting of creditors called for February 26, 1960.	

b6
b7C

BANKRUPTCY FORM NO. 70

DATE 1960	PROCEEDINGS	RECEIPTS	DISBURSE- MENTS
Feb. 4	Order signed and filed fixing March 11, 1960, as the last day for filing objections to discharge.		
	Proof of mailing notice of order on objections, filed.		
9	Trustee's report of exemptions filed.		
23	Order signed and filed approving trustee's report of exemptions.		
Feb. 26	Final meeting of creditors; no dividend ordered paid.		
Mar. 4	Petition for fees filed by bankrupt's attorney.		
Apr. 28	Trustee's voucher report filed.		
June 10	Order signed and filed waiving bankrupt's right to a discharge.		
<u>1961</u>			
Mar. 23	Order signed and filed closing estate, discharging trustee and canceling his bond.		

F B I

Date: October 8, 1970

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL AIR MAIL
(Priority)

TO : DIRECTOR, FBI (92-3116)
 FROM: SAC, MILWAUKEE (94-316-Sub 2)
 FRANK PETER BALISTRIERI, AKA
 AR
 CO - Milwaukee

Enclosed for the Bureau is one Xerox copy of a Wisconsin Division of Criminal Investigation report dated 8-3-70, regarding CARL DENTICE.

For information of the Bureau, CARL DENTICE is a coin machine operator in Milwaukee, and is one of the individuals who will be deposed at a future date regarding his business relationship with FRANK BALISTRIERI in connection with the BALISTRIERI civil electronic surveillance damage suit.

Copies of the State report on DENTICE were obtained by Milwaukee on 10-7-70, from [redacted] investigator for the State Attorney General's staff.

The Bureau is requested to forward the enclosure to [redacted] Departmental Attorney handling the civil suits.

ENC. BEHIND FILE
 2 - Bureau (Enc. 1) (Air Mail - Registered)
 3 - Milwaukee (94-316-Sub 2)
 DEB:mcs
 (5)

REC-30

OCT 14 1970

EX-117

70 OCT 19 1970

Approved: *[Signature]*

Special Agent in Charge

Sent _____

M

Per _____

b6
b7c

F B I

Date: October 13, 1970

Transmit the following in _____
(Type in plaintext or code)

Via AIRTEL AIR MAIL - REGISTERED
(Priority)

TO : DIRECTOR, FBI (92-3116)
FROM: SAC, MILWAUKEE (94-316 Sub 2)
FRANK PETER SALISTRERI, AKA
AR
OO - Milwaukee

Enclosed for the Bureau are two copies of a Wisconsin Articles of Incorporation for the Commercial Sales Corporation, Inc.

Bureau is requested to forward these copies of corporation papers to [redacted] Departmental Attorney, who is handling civil suits involving the Subject.

2 - Bureau (Enc. 2) (AIR MAIL - REGISTERED)
2 - Milwaukee
DEB:mcg
(4)

EX-112

92-3116-654

OCT 15 1970

ADVIS

Approved: _____ Sent _____ M Per _____

5 OCT 21 1970 Special Agent in Charge

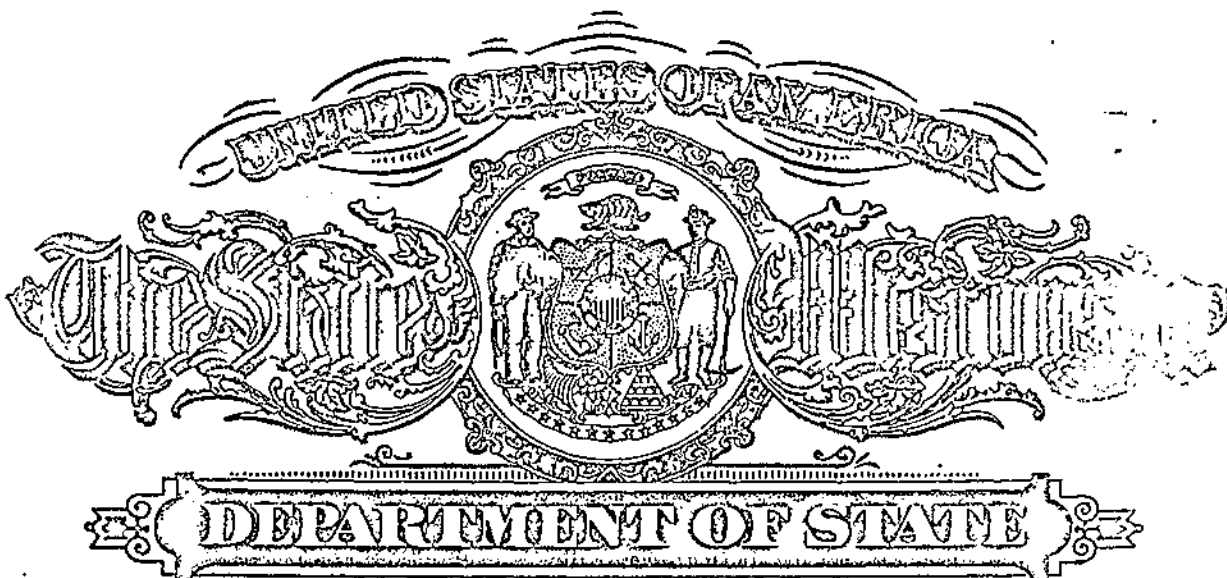
b6
b7c

Enclosure to Bureau (62-3116)

2 copies: Wisconsin Articles of Incorporation
for the Commercial Sales Corp., Inc.

~~SECRET~~
ENCLOSURE

10 - 3116 - 654



TO ALL TO WHOM THESE PRESENTS SHALL COME:

I, ROBERT C. ZIMMERMAN, Secretary of State
of the State of Wisconsin and Keeper of the Great Seal thereof, do hereby certify that the
annexed xerox copy of

Articles of Incorporation (Filed Jan. 28, 1964),
Certificate of Incorporation (Dated Jan. 31, 1964),
Certificate of Newly Elected Officers (Filed Feb.
26, 1964), and the Change of Registered Office of Agent
(Filed Apr. 23, 1964) of COMMERCIAL SALES CORPORATION,
INC.

has been compared by me with the record on file in this Department and that the same is
a true copy thereof, and of the whole of such record; that I am the legal custodian of such
record, and that this certification is in due form.



In Testimony Whereof, I have hereunto
set my hand and affixed the Great Seal
of the State at the Capitol, in the City
of Madison, this 9th day of October,

A. D. 19 70

Robert C. Zimmerman
ROBERT C. ZIMMERMAN, Secretary of State

OFFICE OF
REGISTER OF DEEDS

The undersigned, as Register of Deeds of MILWAUKEE county, Wisconsin,
certifies that, on the 30th day of JANUARY, 1964, there was received and
accepted for record in my office an instrument on behalf of

COMMERCIAL SALES CORPORATION, INC
(Name of Corporation)

which instrument bears the certificate of the Secretary of State of Wisconsin and is described in such
certificate as

ARTICLES OF INCORPORATION
(Show nature of instrument)

Witness my hand and official seal this 30th day of JANUARY, 1964

(Seal)

Clyde M. Spierman
Register of Deeds

ADMITTED TO THE RECORDS OF CHARGES WHICH I SHALL HAVE

ARTICLES OF INCORPORATION
OF
COMMERCIAL SALES CORPORATION, INC.

EXECUTED BY THE UNDERSIGNED FOR THE PURPOSES OF FORMING
A WISCONSIN CORPORATION UNDER CHAPTER 180 OF THE WISCONSIN
STATUTES:

ARTICLE 1: THE NAME OF THE CORPORATION SHALL BE
COMMERCIAL SALES CORPORATION, INC.

ARTICLE 2: THE PERIOD OF ITS EXISTENCE SHALL BE
PERPETUAL.

ARTICLE 3: THE PURPOSES SHALL BE TO ENGAGE IN ANY
LAWFUL BUSINESS OR PURPOSE WHATEVER, FOR WHICH CORPORATIONS
MAY BE ORGAIZED UNDER THE WISCONSIN BUSINESS CORPORATION
LAW, CHAPTER 180 OF THE WISCONSIN STATUTES.

ARTICLE 4: THE NUMBER OF SHARES WHICH IT SHALL HAVE
AUTHORITY TO ISSUE, ITEMIZED BY CLASSES, PAR VALUE OF SHARES,
SHARES WITHOUT PAR VALUE, ANY SERIES, IF ANY WITHIN A CLASS, IS:

<u>CLASS</u>	<u>SERIES</u>	<u>NUMBER OF SHARES</u>	<u>PAR VALUE OF SHARES OR STATE- MENT THAT SHARES ARE WITHOUT PAR VALUE</u>
--------------	---------------	-------------------------	---

Common	None	2000	SHARES ARE WITHOUT PAR VALUE
--------	------	------	------------------------------

ARTICLE 5: ADDRESS OF THE INITIAL REGISTERED OFFICE IS
1840 NORTH FARWELL AVENUE, MILWAUKEE, WISCONSIN.

ARTICLE 6: NAME OF INITIAL REGISTERED AGENT AT SUCH
ADDRESS IS ATTORNEY HENRY G. PIANO.

ARTICLE 7: THE NUMBER OF DIRECTORS CONSTITUTING THE
ORIGINAL BOARD OF DIRECTORS SHALL BE THREE (3). THEREAFTER
THE NUMBER MAY BE FIXED BY BY-LAW, BUT SHALL NOT BE LESS THAN
THREE.

ICLES OF INCORPORATION

ERCIAL SAMES CORPORATION, INC.

IN BAD STANDING 1-1-66

STATE OF WISCONSIN 63

JAN 28 1964

40-*gj*

ORNEY AT LAW
7 NORTH FARWELL AVE.
MILWAUKEE, WISCONSIN 53202

CERTIFICATE ISSUED

09169

...AND THE FOLLOWING ...
...AND THE FOLLOWING ...
...AND THE FOLLOWING ...

BY COMMISSIONER OF REVENUE
JAMES C. NUNO

b6
b7C

ARTICLE 8: THE NAMES AND ADDRESSES OF THE INCORPORATORS
ARE:

SAM J. CEFALU, 1606 NORTH JACKSON STREET, MILWAUKEE, WISCONSIN

PAUL BOGOSIAN, 1579 NORTH FARWELL AVENUE, MILWAUKEE, WISCONSIN

ARTICLE 9: THE CORPORATION WILL COMMENCE BUSINESS WITH
CAPITAL IN EXCESS OF FIVE HUNDRED (\$500.00) DOLLARS.

ARTICLE 10: THESE ARTICLES MAY BE AMENDED IN THE MANNER
AUTHORIZED BY LAW AT THE TIME OF THE AMENDMENT.

EXECUTED IN DUPLICATE THIS 24th DAY OF January,
1964.

Sam J. Cefalu
SAM J. CEFALU

Paul Bogosian
PAUL BOGOSIAN

STATE OF WISCONSIN }
MILWAUKEE COUNTY } SS

PERSONALLY CAME BEFORE ME THIS 24th DAY OF January,
1964, THE ABOVE NAMED SAM J. CEFALU AND PAUL BOGOSIAN, TO ME
KNOWN TO BE THE PERSONS WHO EXECUTED THE FOREGOING INSTRUMENT
AND ACKNOWLEDGED THE SAME.

Henry G. Piano
HENRY G. PIANO
NOTARY PUBLIC, MILWAUKEE CO., WIS.
MY COMMISSION IS PERMANENT.

State of Wisconsin

Department of State

C 9162

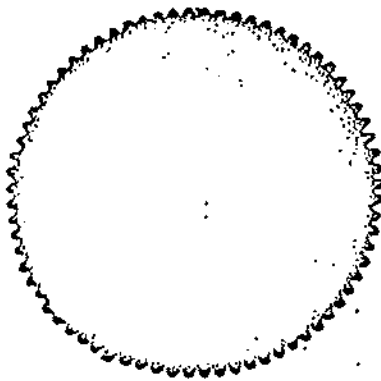
To All to Whom These Presents Shall Come:

The undersigned, as Secretary of State of the State of Wisconsin, hereby certifies that, on the 20th day of January, 1964, Articles of Incorporation were filed in my office, and the filing fee paid, under the provisions of Chapter 180 of the Wisconsin Statutes, which Articles provide:

Name: COMMERCIAL SALES CORPORATION, INC.
Registered Office: 1840 North Farwell Avenue
Milwaukee, Wisconsin
Period of Existence: Perpetual
Capital Stock: 2,000 shares cor stock without par value.
Purposes for which organized: To engage in any lawful purpose authorized by Chapter 180 of the Wisconsin Statutes.

I further certify that a certificate has been filed in my office to the effect that a duplicate of said Articles, bearing my certificate, was recorded in the office of the Register of Deeds of Milwaukee County, Wisconsin, on the 30th day of January, 1964.

THEREFORE, The State of Wisconsin does hereby grant unto the said corporation the powers and privileges conferred by the Wisconsin Statutes for the purposes stated and in accordance with said Articles.



In Witness Whereof, I have hereunto set my hand and affixed my official seal, at the Capitol, in the City of Madison, this 31st day of January, A. D. 1964.

Robert C. Zimmerman
ROBERT C. ZIMMERMAN
Secretary of State, STATE

1140- CERTIFICATE OF NEWLY-ELECTED OFFICERS

For use in reporting first elections of officers and changes thereafter. DO NOT report elections at which no changes are made.

To: ROBERT C. ZIMMERMAN
Secretary of State

Name of Corporation COMMERCIAL SALES CORPORATION, INC.

Address 1840 NORTH FARWELL AVENUE, MILWAUKEE, WISCONSIN 53202
(Give number, street and city)

A. Principal officers were elected, or changes made, on the 30TH day of JANUARY, 1964. Pursuant to such action, the principal officers are:

TITLE	NAME	ADDRESS (Give number, street and city)
President	<u>SAM J. CEFALU</u>	<u>1606 N. JACKSON ST., MILW., WIS.</u>
Vice President	<u>PAUL BOGOSIAN</u>	<u>1579 N. FARWELL AVE., MILW., WIS.</u>
2nd Vice-Pres.	<u>NONE</u>	
Secretary		<u>MILW., WIS.</u>
Treasurer	<u>PAUL BOGOSIAN</u>	<u>1579 N. FARWELL AVE., MILW., WIS.</u>

B. Directors were elected or changes made on the 30TH day of JANUARY, 1964. Pursuant to such action the directors are:

NAME	ADDRESS (Give number, street and city)
<u>PAUL BOGOSIAN</u>	<u>1579 N. FARWELL AVE., MIL., WIS.</u>
<u>SAM J. CEFALU</u>	<u>1606 N. JACKSON ST., MILW., WIS.</u>
	<u>MILW., WIS.</u>

Dated JANUARY 30, 1964
(If corporation has a seal, affix here)

SIGNED:

Sam J. Cefalu
President or Secretary

First election and any change in officers or directors must be reported within 20 days. Sec. 180.795.

b6
b7C

9169
Wisconsin

Certificate of Newly-Elected
Officers

Insert Corporation's Name

RECEIVED
FEB 26 1964

FEB 26 1964

RECEIVED
FEB 26 1964

OFFICE OF
REGISTER OF DEEDS

The undersigned, as Register of Deeds of Milwaukee county, Wisconsin,
certifies that, on the 28th day of April, 1964, there was received and
accepted for record in my office an instrument on behalf of

Commercial Sales Corporation, Inc.
(Name of Corporation)

which instrument bears the certificate of the Secretary of State of Wisconsin and is described in such
certificate as

Change of Registered Office and Agent
(Show nature of instrument)

Witness my hand and official seal this 28th day of April, 1964

(Seal)

Clyde M. Harrison
Register of Deeds

CHANGE OF REGISTERED OFFICE OR AGENT

The undersigned principal officer of COMMERCIAL SALES CORPORATION, INC.
(Use correct and complete corporate name)
a corporation organized under the laws of WISCONSIN, certifies:

1. The address of the present registered office (old office) of said corporation in Wisconsin is
1840 NORTH FARWELL AVENUE, MILWAUKEE, WISCONSIN
(Number, street and city)
and the present registered agent (old agent) at such address is

b6
b7C

2. The board of directors has adopted a resolution to change the registered office and/or registered agent. As a result of such resolution, the following shall hereafter be the registered office and registered agent:

NEW Registered office 2559 NORTH DOWNER AVENUE, MILWAUKEE, WISCONSIN
(Number, street and city)

NEW Registered agent SAM J. GEFALU

Signed and corporate seal, if any, affixed this 21ST day of FEBRUARY, 19 64

(Affix seal or state
that there is no seal)


Title SECRETARY

INSTRUCTIONS

WISCONSIN CORPORATIONS

1. Submit in duplicate to Secretary of State, Madison.
2. Send fee of \$5.00.
3. One of the duplicates will be filed. The other will be certified and returned and must be recorded in the office of the register of deeds of the county in which the registered office is located. After such recording, retain the document for your own files.
4. If the new registered office is in a different county from the one in which the prior registered office was located, the document must be recorded in both counties. In addition, the articles of incorporation and all amendments must be recorded in the new county.

FOREIGN CORPORATIONS

5. Submit in duplicate to Secretary of State, Madison.
6. Send fee of \$5.00.
7. One of the duplicates will be filed. The secretary of state will impress his filing stamp on the other duplicate and return it for the corporation's own records.

C-9169

of Registered Office and Agent.

STATE OF WISCONSIN SS
DEPARTMENT OF STATE

FILED

APR 2 1964

ROBERT C. L. CHAMMAN
SECRETARY OF STATE

dm
[redacted] Atty.,
American States Life Building
W. Farwell Ave.,
Suite 2, Wis.

b6
b7C

8 901
N.H.W.

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

OCT 20 1970

TELETYPE *KAC*

Mr. Tolson	
Mr. DeLoach	
Mr. Mohr	
Mr. Bishop	
Mr. Casper	
Mr. Callahan	
Mr. Conrad	
Mr. Felt	
Mr. Gale	
Mr. Rosen	
Mr. Sullivan	
Mr. Tavel	
Mr. Trotter	
Tele. Room	
Mr. Holmes	
Miss Gandy	

Staff

NR010 MI PLAIN

614PM NITEL 10/20/70 LRK

TO DIRECTOR 92-3116

FROM MILWAUKEE 94-316

FRANK PETER BALISTRIERI, AKA, AR, OO MILWAUKEE.

TEN TWENTY INSTANT ISSUE OF MILWAUKEE SENTINEL CONTAINS FRONT PAGE ARTICLE REFLECTING FRANK BALISTRIERI' NINETEEN SIXTYNINE CADILLAC IS PARKED IN DRIVEWAY OF HIS HOME WITHOUT LICENSE PLATES AND UNUSEABLE AFTER BALISTRIERI'S AUTO REGISTRATION AND DRIVER'S LICENSE WERE SUSPENDED FOR VIOLATION OF STATE MOTOR VEHICLE CODE.

SUSPENSION RESULTED FROM AUTO ACCIDENT INVOLVING BALISTRIERI ON APRIL THIRTY, SEVENTY, AND HIS FAILURE TO OBTAIN A RELEASE FROM INJURED PARTY OR POST REQUIRED BOND.

BALISTRIERI FILED ACCIDENT REPORT LISTING HIS INSURANCE COMPANY; HOWEVER, COMPANY DENIED BALISTRIERI HAD INSURANCE POLICY. A CIVIL SUIT FOR ONE HUNDRED THOUSAND DOLLARS AGAINST BALISTRIERI IN MILWAUKEE CO CIRCUIT COURT ON JUNE EIGHTEEN, SEVENTY, RESULTED FROM ABOVE ACCIDENT. *EX-111* *REC 19* *655*

BUREAU WILL KEPT ADVISED OF FURTHER DEVELOPMENTS.

END

OCT 21 1970

309
54 OCT 27 1970

F B I

Date: 9/1/70

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL AIRMAIL
(Priority)

TO : DIRECTOR, FBI (92-3116)

FROM *[Signature]* SAC, MILWAUKEE (94-316-Sub 2) (P)SUBJECT: FRANK PETER BALISTRIERI
AR

OO: MILWAUKEE

Re Bureau airtel to Milwaukee, 8/26/70.

The following addresses for individuals as requested in departmental memorandum to the Bureau, dated 8/25/70, enclosed with referenced airtel, were telephonically furnished to Departmental Attorney, on 8/31/70:

AUGUST CHIAVEROTTI

Home Address - 3018 A West Ruskin Avenue
Milwaukee, WisconsinBusiness Address - Care of Factory Close-out Store
8440 West Forest Home Avenue
Milwaukee, Wisconsin

CARL J. DENTICE

Home Address - 8210 West New Jersey Avenue
Milwaukee, WisconsinBusiness Address - Care of Carl Dentice Amusement
Company
610 East Pleasant Street
Milwaukee, Wisconsin

2 - Bureau (92-3116) (AM-RM)

4 - Milwaukee (1-94-316-Sub 2)
(1-66-950) **REC-15**
(1-92-222-Sub 2)DEB/kdb
(6)

Y SEP 3 1970

58 OCT 2 1970

Approved: _____
Special Agent in Charge

Sent _____ M Per _____

WALTER BROCCA

Home Address - 4023 South Kansas Avenue
Milwaukee, Wisconsin

KENNETH H. READ

Home Address - 8025 North Beach Drive
Milwaukee, Wisconsin

Telephone - 414-352-7658

Business Address - care of Trident Corporation
2577 North Downer Avenue
Milwaukee, Wisconsin

Telephone 414-332-8080

SALVATORE JACK DENTICE

Home Address - 1611 North Jackson Street
Milwaukee, Wisconsin

RUDOLPH PORCHETTA

Home Address - 2848 North 36th Street
Milwaukee, Wisconsin

Business Address - care of Brass Rail Tavern
744 North Third Street
Milwaukee, Wisconsin

JOSEPH BALISTRIERI (father of FRANK BALISTRIERI)

Home Address - 7807 Santa Monica Boulevard
Fox Point, Wisconsin

Mrs. BENEDETTA BALISTRIERI (mother of FRANK BALISTRIERI)

Home Address - 7807 Santa Monica Boulevard
Fox Point, Wisconsin

**Mrs. ROSE PALMISANO, aka Rose Balistrieri, Mrs. Ted
Palmisano (FRANK BALISTRIERI's
sister)**

Home Address - 4928 North Hollywood Avenue
Milwaukee, Wisconsin

SALVATORE JOSEPH CEFALU, aka Sam Cefalu

Home Address - 5741 North 36th Street
Milwaukee, Wisconsin

MI 94-316-Sub 2

PAUL BOGOSIAN

Business Address - care of Paul Bogosian Carpets
11005 West Bluemound Road
Milwaukee, Wisconsin



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b7C

SANTO NICK MARINO

Home Address - 1914 North Prospect Avenue, Apartment 26
Milwaukee, Wisconsin

Business Address - care of Marino's Corner
1601 West State Street
Milwaukee, Wisconsin

JOSEPH CAMINITI

Home Address - N76W14993 Menomonee Manor Drive
Menomonee Falls, Wisconsin

Business Address - care of Local 257
Teamsters Union
5600 West Center Street
Milwaukee, Wisconsin

Investigation by Milwaukee is continuing to obtain additional information as requested in the departmental memorandum.

10/2/69

Airtel

REC-15

92-3116-657

EX-113

To: SAC, Chicago

From: Director, FBI

FRANK PETER BALISTRIERI
AR

Re Bureau airtels 9/23/69 and 10/1/69.

In connection with the forthcoming electronic surveillance hearing in the captioned matter, you should make available to former Departmental Attorney [redacted] on the occasion of his visit to the Chicago office on 10/7/69 a copy of your airtel to the Bureau and several offices dated 2/12/65 under the caption, [redacted] AR;" Chicago file [redacted]

b6
b7C

NOTE: A hearing on Bureau electronic coverage of Balistreri is scheduled for 10/9-10/69 in Federal District Court, Springfield, Illinois. [redacted] former Departmental Attorney, is being temporarily re-employed to handle this matter for the Government and has requested that he be furnished with a copy of Chicago airtel to the Bureau 2/12/65 under the caption, [redacted] which is pertinent to this hearing. [redacted] will visit the Chicago office 10/7/69 for prehearing conference with Chicago personnel who will testify in this matter and Chicago is being instructed to furnish him with a copy of the above airtel during this visit. Chicago previously advised of [redacted] forthcoming visit.

b6
b7C

MAILED
OCT 2 1969

COMM-FBI

JGL:jfp
(4)

Tolson _____
DeLoach _____
Mohr _____
Bishop _____
Casper _____
Callahan _____
Conrad _____
Felt _____
Gale _____
Rosen _____
Sullivan _____
Tavel _____
Trotter _____
Tele. Room _____
Holmes _____
Gandy _____

NOV 2 1970

MAIL ROOM ☒ TELETYPE UNIT ☐

F B I

Date: 10/1/69

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL AIR MAIL REGISTERED
(Priority)

TO : DIRECTOR, FBI (92-3116)

FROM : SAC, MILWAUKEE (66-950)

SUBJECT: FRANK PETER BALISTRERI, aka
AR
(OO: Milwaukee)

J U N E

ReBuairtel to Chicago, 9/23/69, and Milwaukee teletypes to Bureau, 4/29,30/69.

A review of all volumes of the Milwaukee file on BALISTRERI and a review of the entire Milwaukee "June" file failed to disclose any instances other than those already known to the Bureau where BALISTRERI was overheard during an electronic surveillance.

It is assumed the Bureau is aware BALISTRERI was overheard [redacted] as reported by Chicago airtel, dated 2/12/65, captioned, [redacted] AR." It is believed this is the installation which will require the testimony of Chicago personnel in the forthcoming BALISTRERI hearing.

b6
b7C
b7E

- 2 - Bureau (AM, RM)
- 1 - Chicago (Info)(Regular, RM)
- 1 - Springfield (Info) (AM, RM)
- 2 - Milwaukee (1-66-950)
(1-94-316 Sub 2)

DEB:EAK
(6)

REC-15

EX-113

92-3116-657

3 OCT 2 1969

27

NINE

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

F B I

Date: October 22, 1970

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL AIRMAIL - REGISTERED MAIL
(Priority)

TO: DIRECTOR, FBI (92-3116)
 FROM: SAC, MILWAUKEE (94-316-Sub 2) (P)
 SUBJECT: FRANK PETER BALISTRERI, aka
 AR
 OO: MILWAUKEE

Enclosed for the Bureau is the original and two copies of a newspaper article entitled, "Depositions Needed in Balistreri Case, Court Told," which appeared in the 10/22/70 edition of The Milwaukee Sentinel.

The above article contains government depositions filed in the electronic surveillance civil suits involving the subject.

The Bureau is requested to forward a copy of the enclosed article to [redacted] Departmental Attorney who is handling the above suits for the government.

b6
b7C

1cc [redacted] (Dep. Atty)
 10-22-70. J.P.H.

EX-111

REC-54

13 OCT 26 1970

2 - Bureau (enc. 3) (AM-RE)
 2 - Milwaukee
 DEB/mw
 (4)

Approved: _____

Special Agent in Charge

Sent _____ M Per _____

(Mount Clipping in Space Below)

Depositions Needed in Balistrieri Case, Court Told

The Justice Department said it will prove that Frank R. Balistrieri was "endeavoring to conceal his interest" in jukebox and vending machine businesses if the Federal Court permits it to take 16 depositions in connection with a damage suit.

In 165 pages of documents filed recently with the court, the Justice Department maintained it was entitled to prove that Balistrieri, a downtown night spot operator:

- Rented premises at 2559 N. Downer Ave. in 1964 under a false name, Frank Bell, "either because no one would have been willing to rent to him in his true name or because it was essential that his identification with whatever operation was to be conducted at the premises be kept secret."

Contrary to Balistrieri's previous testimony, jukebox and vending machine businesses at the Downer premises were operating with his full and complete knowledge, sanction and explicit direction.

\$1,750,000 Suit

- Operation of the businesses from the premises was "merely to disguise" his other activities there and elsewhere. The papers were filed with Judge Myron L. Gordon in

connection with the \$1,750,000 damage suit Balistrieri has started against federal agents and the Wisconsin Telephone Co.

Balistrieri, 52, Milwaukee night club operator, has claimed in his suit that illegal eavesdropping devices were used at the Downer Ave. premises during an investigation into his taxable income.

Balistrieri, 3043 N. Shepard Ave., has been free on \$15,000 appeal bond since his conviction by a Federal Court jury on March 23, 1967, on charges of evading \$20,480 in taxes in 1959 and 1960. He was sentenced to two years in prison and was fined \$10,000.

In connection with the damage suit, Neil R. Peterson, an attorney with the Justice Department in Washington, had subpoenaed 16 persons to give sworn statements and produce records.

Asks for Proof

Atty. Joseph P. Balistrieri, representing his father, objected, and Gordon told Peterson to offer further proof why the evidence was necessary.

Peterson in the brief in support of relevance of proposed depositions said it was beyond Gordon's "power or discretion" to halt the depositions. He said Gordon's order "should be vacated immediately."

The brief said Frank P. Balistrieri's sworn statement in relation to the damage suit "is confused, equivocal, uncertain, fragmentary and, at best, woefully inadequate and hopelessly incomplete."

"Bearing in mind that plaintiff (Frank P. Balistrieri) claims that he and he exclusively occupied the premises as a sales office doing business as Continental Music Sales, it is totally incredible that there is not one single detail pertaining to that alleged business which the plaintiff could remember clearly or on which he did not equivocate or disavow knowledge," the brief said.

Peterson said previously

that the Justice Department had "reasonable belief there is no Continental Music Sales" never was and was never intended to be. The firm is the one the Balistrieri suit alleges was bugged.

In the documents, Peterson said he wanted the deposition of Kenneth H. Read, 8025 N. Beach Dr., Fox Point, because Read would testify that Balistrieri leased the premises under a false name, gave a false address (his brother's) and gave a telephone number listed under the name of James White, which is another name for Miss Jennie Alioto.

Miss Alioto, bookkeeper for

(Indicate page, name of newspaper, city and state.)

A-5

MILWAUKEE SENTINEL
MILWAUKEE, WISCONSIN

Date: 10-22-70

Edition:

Author:

Editor: HARRY BO VEBORN

Title:

FRANK PETER BALISTRIERI

Character:

or AR

Classification:

Submitting Office: MILWAUKEE

☐ Being Investigated

92-3116-658
ENCLOSURE

Frank P. Balistreri, has filed a \$1 million damage suit against federal agents for illegal bug-ging and spying activities about Oct. 3, 1961, in an apartment at 1609 N. Prospect Ave., where she formerly lived.

Peterson also said Read saw the names Continental Music, Continental Sales and Commercial Sales on the door of the Downer premises.

Statements Sought

Peterson in the brief and affidavits also told the court of the necessity of taking sworn statements from the following persons:

- Joseph Caminiti, who knows there were three separate businesses involved and they were run for the benefit of Frank P. Balistreri.

This would be in direct contradiction of Balistreri's testimony, the brief said, would raise the inference that the complaint in this case is really a sham and a deliberate attempt on Balistreri's part to recover damages he did not sustain.

- Caminiti, of N76-W14993 Menomonee Falls Dr., Menomonee Falls, is a trustee of Joint Council No. 30 of the Teamsters and a member of the editorial board of the Wisconsin Teamster publication.

Relative Named

- Peter F. Picciurro, 1016 E. Hamilton Ave. (the son of the late John J. Picciurro, who in turn was the uncle of Frank P. Balistreri), the individual Balistreri has testified told him that there was "heat" on relative to Balistreri.

Peter Picciurro owns Pitch's De Lish U.S. Distributors, 275 N. 30th St.

- Walter Brocca, 4023 S. Kansas Ave., contacted a cabinetmaker in late 1963 or early 1964 and inquired if 100 jukebox cabinets could be made. But the cabinetmaker, after making one prototype cabinet, declined the offered business on the ground that he was too busy with other work.

Brocca bought used jukeboxes from Carl J. Dentice, 8210 W. New Jersey Ave., in conjunction with August Chiaverotti, 3018-A W. Ruskin Ave. The used jukeboxes were put in new cabinets and were sold, but a number of them were returned when the customers found out they were sold as new.

- Santo Marino, 1914 N. Prospect Ave., at least for a time in 1964 had a Bob Puccio & P. Vending jukebox on the premises of his establishment, Marino's Corner, 1601 W. State St., until he switched

to a jukebox owned by Carl Dentice.

Pressure Seen

"The defendants have reason to believe that this switch was accomplished as a result of direct or indirect pressure from plaintiff (Frank P. Balistreri)," the brief said. "This raises the question as to what plaintiff's position relative to Marino was in order for him to be able to pressure Marino into making a change."

- Chiaverotti was brought into the business on Downer Ave. by Frank P. Balistreri, according to the latter's testimony, and had complete authority over it once the plaintiff ceased to finance it further.

He also testified he and Chiaverotti tried to relocate after they left Downer Ave., that he did not participate in another location because people were reluctant to rent to him. As soon as people heard his name they would refuse to do business with him, Balistreri said.

Balistreri moved his equipment back to the garage of his father (Joseph Balistreri, 7809 N. Santa Monica Blvd., Fox Point), an affidavit said. He sold the rest or gave it away, and he never asked Chiaverotti if Continental Music Sales found other premises.

Chiaverotti should be able to clarify whether he was in business on his own or whether he was a cover for Balistreri, the brief said.

Others Named

- Joseph Balistreri; Mrs. Rose Balistreri Palmisano, 4928 N. Hollywood Ave., Whitefish Bay (sister of Frank P.); Rudolph Porchetta, 2848 N. 36th St., and Joseph Maniaci, 3326 N. Richards St.

These four persons held executive positions of record with Melody Lane, Inc., the brief said. Balistreri testified that he did not know whether Melody Lane was located at Downer Ave.

Carl Dentice bought the assets of Melody Lane but he did not report any significant increases in the number of phonograph or vending machines he owned. This could raise an inference that the sale was a sham and a means of concealing payments of \$30,000 by Dentice to Balistreri, the brief said.

"This inference is heightened by the fact that in the same year when Carl Dentice reported a payment of \$5,400 to Melody Lane, Inc., for legal fees, Melody Lane reported an identical payment of \$5,400 to Balistreri," according to the papers.

8/26/70

Airtel

REC-39 92-3116-659

To: SAC, Milwaukee

EX-113

From: Director, FBI

PERSONAL ATTENTION

FRANK PETER BALISTRIERI
ANTI-RACKETEERING

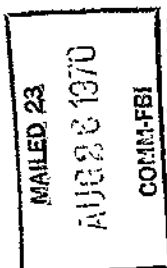
Enclosed are two copies of a memorandum from William D. Ruckelshaus, Assistant Attorney General, Civil Division, dated 8/25/70 requesting investigation including a number of interviews in connection with a civil suit for damages filed by the captioned individual against several former Bureau Agents and one currently employed Agent.

The requested investigation should be immediately conducted and a report containing the results thereof should be submitted to reach the Bureau by 9/11/70. Any leads for other offices should be set forth by the most expeditious means and auxiliary offices should be advised of the Bureau's deadline. It is noted that SA Daniel E. Brandt of your office has previously been advised orally of the investigation desired by [redacted] Departmental Attorney who is handling this case.

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This matter should receive your personal attention and sufficient manpower should be assigned in order to meet the Bureau's deadline.

Enc. (2)



JGL:jep
(4)

SEE NOTE PAGE 2.

Tolson _____
Sullivan _____
Mohr _____
Bishop _____
Breanan, C.D. _____
Callahan _____
Casper _____
Conrad _____
Felt _____
Gale _____
Rosen _____
Tavel _____
Walters _____
Soyars _____
Tele. Room _____
Holmes _____
Gandy _____

MAIL ROOM ☐ TELETYPE UNIT ☐

Airtel to Milwaukee
Re: Frank Peter Balistrieri

NOTE: Frank Peter Balistrieri, his attorney, Dominic Frinzi, and his secretary-paramour, [redacted] have each filed a suit demanding a total of several millions of dollars in damages against three retired Bureau Agents and one currently employed Agent. Departmental Attorney [redacted] who is handling the cases, has requested investigation including a number of interviews with individuals in the Milwaukee area in connection with discovery efforts including depositions being taken by the Department in defending their suits. [redacted] has previously advised SA Daniel E. Brandt of the Milwaukee office, who is the case Agent of the desired investigation, and has requested that the inquiries, if possible, be completed by 9/11/70. ON 9-12-70 [redacted] SAID HE HAD TELEPHONED MIL OFFICE AND SAID OK TO GET REPT TO HIM BY 9-25-70

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b7C

UNITED STATES GOVERNMENT

DEPARTMENT OF JUSTICE

Memorandum

TO : Mr. J. Edgar Hoover
Director
Federal Bureau of Investigation

DATE: AUG 25 1970

FROM : William D. Ruckelshaus
Assistant Attorney General
Civil Division

WDR 145-12-1369
b6
b7C

Mr. Tolson	✓
Mr. Sullivan	✓
Mr. Mohr	✓
Mr. Bishop	✓
Mr. Brennan	✓
Mr. Callahan	✓
Mr. Conrad	✓
Mr. Felt	✓
Mr. Gale	✓
Mr. Rosen	✓
Mr. Tavel	✓
Mr. Walters	✓
Mr. Soyars	✓
Tele. Room	✓
Miss Holmes	✓
Miss Gandy	✓

SUBJECT: Frank P. Balistrieri v. John A. Holtzman,
et al., No. 69-C-510, USDC ED Wisconsin

In order that we may continue our discovery efforts in the above action, we request that the following information be obtained and that the following interviews be conducted by the Milwaukee Field Office.

We desire to depose the following individuals and to serve subpoenas upon them. To do this, we desire to have as soon as possible home addresses, and business addresses where possible, for the following individuals:

1. August Chiaverotti
2. Carl Dentice
3. Walter Brocca
4. Kenneth Read (with phone number where he can be reached)
5. Sam (Salvatore J.) Dentice
6. Rodolph Porchetta
7. Joseph Maniaci
8. Frank Balistrieri (a cousin of Frank Peter Balistrieri, listed once as Secretary-Treasurer of Melody Lane, Inc.)
9. Frank John Balistrieri (possibly the same as the above individual, a cousin of Frank Peter Balistrieri, and once listed as President of Melody Lane, Inc.)
10. Joseph Balistrieri - father of Frank Peter Balistrieri

REC-39

100-3116-659

OCT 23 1970

EXP. PROC.
AUG 25 1970

clerk

11. Rose Balistrieri - mother of Frank Peter Balistrieri
12.
13. Sam J. Cefalu
14. Paul Begosian
15.
16. Santo Marino
17. Joseph Caminiti

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b7c

In addition, we desire to have the following individuals interviewed to ascertain their knowledge of Frank Peter Balistrieri's involvement in the juke box and vending machine business:

1. Buddy Beek (Beak)
2. Al Rinehart
3.
4. Sam London
5. Felice Cortese
6.
7.
8.
9.
10.

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We also desire that Kenneth Read be interviewed. He is the individual associated with the Trident Corporation and the Read Investment Company who leased premises at 2559-61 North Downer Avenue in Milwaukee to Balistrieri and which premises were the site of the electronic surveillance involved. We are particularly interested in obtaining permission for a Special Agent to review records of the company bank account to search for checks with which Balistrieri or other persons on Balistrieri's behalf paid for rent at the premises in question.

We also desire that someone in authority at the All City Telephone Answering Service in Milwaukee be interviewed to obtain information on Carl Dentice's use of that company for his music business, Dentice Amusement Company. We also desire that copies of all available records of that company pertaining to the Dentice account be obtained if that is possible.

Finally, we desire to obtain copies of corporate or individual records for the following entities:

1. Continental Music Sales
2. Continental Music Company
3. Continental Sales Company (This entity was also owned at one time by George Macomber and then by George Schroeder. We have requested above that these individuals be interviewed. Possibly they will also have some records pertaining to the company. We are desirous of tracing this company as far as possible, including through ownerships subsequent to these individuals.)
4. Commercial Sales Co.

The records to be obtained include the following, if applicable and available: Official corporate documents required to be filed with the Wisconsin Secretary of State, including articles of incorporation, any yearly statements required to be filed, lists of officers and any papers relating to legal actions taken by the Secretary's office in relation to any of the corporations for failure to pay fees or file requisite statements, etc.; records pertaining to telephone service of any of the entities; documents on file locally or on a state level for licenses or permits, including distributors licenses and sellers permits; any records which must be officially filed on the state or local level for sole proprietorships or entities in which a person is doing business under a trade name; and any deeds which would be on file locally for sales of real or personal property.

If it is possible, we should like to have the interviews and records requested above completed and/or obtained by September 11, 1970. We would also like to have the

DEPT ATTN [REDACTED] ADVISED CK TO
GET ABOVE INFORMATION TO LHM BY 9/25/70

addresses requested above as soon as possible in order that we may prepare subpoenas for the individuals involved. *MIL Airtel 9-1-70*

[redacted] the attorney handling this case, has orally advised Special Agent Dan Brandt of Milwaukee of the information, documents and interviews being requested by this memorandum. We wish again to commend Special Agent Brandt for his outstanding assistance on this case.

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b7c

Thank you for your continued cooperation and assistance.

7-17-70 DEPT ATTY [redacted] HAS BEEN IN DIRECT TOUCH WITH MIL. OFFICE AND STATED WILL BE OK TO GET REQUESTED INFO BY SEPT. 25, 1970

F B I

Date: 10/24/70

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL AIRMAIL
(Priority)

TO : DIRECTOR, FBI (92-3116)

FROM : SAC, MILWAUKEE (94-316-Sub 2)

SUBJECT: FRANK PETER BALISTRIERI, aka
AR

(OO: MILWAUKEE)

Enclosed for the Bureau are the following items:

1. Original and one copy of a newspaper article entitled, "Balistrieri Used Business as Front, U.S. Tells Court," which appeared in the 10/22/70 edition of "The Milwaukee Journal;

2. One package of documents regarding CARL DENTICE, Continental Sales Company, and the Commercial Sales Corporation, Inc., which were obtained from the Wisconsin Department of Revenue.

The Bureau is requested to forward the above enclosures to [redacted] Departmental Attorney, handling the BALISTRIERI electronic surveillance damage suits.

2 - Bureau (Encls. 3) (AM-RM)
2 - Milwaukee (94-316-Sub 2)
DEB/kdb
(4)

ENC. BEHIND FILE

REC-57

EX-102

92-3116-660

6 OCT 28 1970

Approved: _____
Special Agent in Charge

Sent _____ M Per _____

11 40P
N 11
FBI
FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

OCT 27 1970

TELETYPE

Mr. Tolson	_____
Mr. Sullivan	_____
Mr. Mohr	_____
Mr. Bishop	_____
Mr. Brennan	CD _____
Mr. Callahan	_____
Mr. Casper	_____
Mr. Conrad	_____
Mr. Felt	_____
Mr. Gale	_____
Mr. Rosen	_____
Mr. Tavel	_____
Mr. Walters	_____
Mr. Egan	_____
Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

Staff
9- [Signature]

NR008 MI PLAIN

921PM 10/27/70 NITEL MAB

TO: DIRECTOR (92-3116)

FROM: MILWAUKEE (94-316) 1P

FRANK PETER BALISTRIERI, AKA. AR. OO: MI.

DAVID J. CANNON, USA, EDW, MILWAUKEE, WIS., ADVISED
TODAY THAT ORAL ARGUMENT IN THE FRANK BALISTRIERI INCOME TAX
EVASION APPEAL, WHICH IS PENDING BEFORE THE SEVENTH CIRCUIT
COURT OF APPEALS, CHICAGO, IS SCHEDULED TO BE HEARD IN CHICAGO
ON NOVEMBER NINETEEN NEXT. BUREAU WILL BE KEPT ADVISED OF
FURTHER DEVELOPMENTS.

END

EX-106

REC-72

94-3116-661

17 OCT 29 1970

55 NOV 1970

NA - 11/30/70
NR012 MI PLAIN

11:22PM NITEL 11/20/70 RHH

TO: DIRECTOR (92-3116)

FROM: MILWAUKEE (94-316) (P)

FRANK PETER BALISTRIERI, AR.

RE MILWAUKEE TEL, OCT. TWENTYSEVEN LAST.

ORAL ARGUMENTS IN BALISTRIERI'S INCOME TAX EVASION APPEAL
WERE HEARD NOV. NINETEEN LAST BEFORE SEVENTH CIRCUIT COURT OF
APPEALS, CHICAGO, ILL.

USA DAVID J. CANNON, EDW, MILWAUKEE, ADVISED APPEAL
JUDGES APPEAR TO FAVOR GOVERNMENT'S ARGUMENT AGAINST GRANTING
OF A NEW TRIAL.

BUREAU WILL BE ADVISED OF APPEALS COURT RULING WHEN IT
IS RECEIVED.

END.

Mr. Tolson	_____
Mr. Sullivan	_____
Mr. Mohr	_____
Mr. Bishop	_____
Mr. Brennan	CD
Mr. Callahan	_____
Mr. Casper	_____
Mr. Conrad	_____
Mr. Felt	_____
Mr. Gale	_____
Mr. Rosen	_____
Mr. Tavel	_____
Mr. Walters	_____
Mr. Soyars	_____
Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

STAFFED

9-6

ju

EX-106

REC-6

92-3116-662

12 NOV 24 1970

F303
56 NOV 27 1970

N.A. *WJG*

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

JAN 15 1971 *Xoe*

TELETYPE

NR005 MI PLAIN

7:03 PM NITEL 1/15/71 RHH

TO: DIRECTOR (92-3116)

FROM: MILWAUKEE (94-316) 1P

FRANK PETER BALISTRIERI, AKA. AR. OO: MI.

J RE MI TEL NOVEMBER TWENTY LAST.

DAVID J. CANNON, USA MILWAUKEE, ADVISED SEVENTH
CIRCUIT COURT OF APPEALS, CHICAGO, ON JANUARY THIRTEEN LAST
DENIED BALISTRIERI'S APPEAL IN INCOME TAX EVASION CONVICTION.

g. L. Goff

CANNON ANTICIPATES BALISTRIERI'S ATTORNEYS WILL
APPEAL THIS RULING TO U. S. SUPREME COURT AT FUTURE DATE.

COPIES OF SEVENTH CIRCUIT COURT RULING TO BE
FORWARDED TO BUREAU UNDER SEPERATE COVER.

END.

ACK PLS

AJP FBI WASH DC

ACK NR004 005.

Mr. Tolson	_____
Mr. Sullivan	_____
Mr. Mohr	_____
Mr. Bishop	_____
Mr. Brennan	CD _____
Mr. Callahan	_____
Mr. Casper	_____
Mr. Conrad	_____
Mr. Felt	_____
Mr. Gale	_____
Mr. Rosen	_____
Mr. Tavel	_____
Mr. Walters	_____
Mr. Soyars	_____
Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

EX-112

REC-51

12-3116-663

3 JAN 19 1971

51 JAN 21 1971 FYSC

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (92-3116)

DATE: 1/21/71

FROM : SAC, CHICAGO (92-414)

APPEAL

SUBJECT: FRANK PETER BALISTRERI, aka
AR
(OO: MILWAUKEE)

Enclosed for the Bureau, Milwaukee, and Springfield is one copy each of the slip opinion of the United States Court of Appeals for the Seventh Circuit, Number 18223, rendered January 14, 1971, affirming the judgment order appealed from the United States District Court for the Southern District of Illinois, Southern Division.

The enclosures were provided to SA [redacted] on January 15, 1971, by WILLIAM PITTMAN, Deputy Clerk, Court of Appeals.

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b7c

It is noted that a prime issue in this case is electronic eavesdropping, the accessibility of "airtels" and the FBI procedures in handling of tapes and logs.

Although Milwaukee is the office of origin, venue was transferred from the Eastern District of Wisconsin to the Southern District of Illinois, Southern Division.

Chicago will follow appeal to determine if there is additional appeal action or the issuance of a mandate by the Court of Appeals.

EX 105

REC-69

92-3116-664

- 2 - Bureau (Enc. 1) (RM)
2 - Milwaukee (94-316) (Enc. 1) (RM)
2 - Springfield (92-) (Enc. 1) (RM)
2 - Chicago
(1 - 92-1839)

WMP/MAH

(8)

JAN 25 1971

NIN

53 JAN 29 1971

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

9-311-664

908-5116-664

ENCLOSURE TO BUREAU FROM CHICAGO

RE: FRANK PETER BALISTRERI, aka
AKA
(CO: MILWAUKEE)

ENCLOSED IS ONE COPY EACH OF THE SLIP OPINION
OF THE U. S. COURT OF APPEALS

BU FILE 92-3116

CG FILE 92-414

BY LETTER DATED 1/21/71

In the
United States Court of Appeals
For the Seventh Circuit

SEPTEMBER TERM, 1970 — SEPTEMBER SESSION, 1970

No. 18223

UNITED STATES OF AMERICA,
Plaintiff-Appellee,
vs.

FRANK PETER BALISTRIERI,
Defendant-Appellant.

Appeal from the
United States Dis-
trict Court for the
Southern District
of Illinois, South-
ern Division.

JANUARY 14, 1971

Before SWYGERT, Chief Judge, CASTLE, Senior Circuit
Judge, and PELL, Circuit Judge.

CASTLE, Senior Circuit Judge. Defendant-appellant, Frank Peter Balistrieri, was convicted following a jury trial on two counts of an indictment charging him with income tax evasion for the years 1959 and 1960 by filing false and fraudulent returns in violation of 26 U.S.C.A. §7201. He was fined \$5,000 on each count and was sentenced to two concurrent two-year prison terms. On appeal this Court affirmed. *United States v. Balistrieri*, 7 Cir., 403 F. 2d 472. The Supreme Court initially denied certiorari (394 U.S. 985). In response to a petition for rehearing filed by the appellant, which petition asserted that there may have been illegal electronic eavesdropping of appellant's conversations on premises at 645 North Michigan Avenue, Chicago, Illinois, the Solicitor General stated that after investigation it had been determined that appellant was overheard during the course of an electronic

92-2114-6664

surveillance of those premises, and suggested that the case be remanded to the District Court for further proceedings. The Supreme Court granted the petition for rehearing, vacated its order denying certiorari, vacated the judgment of this Court, and remanded the case to the District Court for further proceedings in the light of *Alderman v. United States*, 394 U.S. 165 and *Giordano v. United States*, 394 U.S. 310 (395 U.S. 710).

Subsequent to the remand by the Supreme Court but prior to the District Court hearing conducted pursuant thereto, the appellant filed a motion for a new trial based on allegedly newly discovered evidence favorable to the appellant which it is asserted the prosecution concealed or failed to produce although its existence was known to the government.

After a hearing on both phases of the matter, and the making and entering of findings of fact and conclusions of law, the District Court denied the motion for a new trial; concluded that the appellant's conviction was not tainted by evidence or other fruits stemming from the unlawful surveillance conducted while he was present and participated in a conversation at 645 North Michigan Avenue, Chicago, Illinois, on January 13, 1965; and entered a new final judgment of conviction and sentence, reimposing the original fines and concurrent two-year prison terms.

The record discloses that during the period between October 2, 1964 and April 17, 1965 the government conducted an unlawful electronic surveillance of certain premises located at 645 North Michigan Avenue, Chicago, Illinois. The court examined, *in camera*, the logs relating to this surveillance and found that they reflect that during the entire period thereof the appellant was present on only one occasion, i.e., January 13, 1965. The court also examined, *in camera*, the complete "airtel" relating to the surveillance on January 13, 1965. The portion of the log for January 13, 1965 which reflects the appellant's overheard conversation, and the portion of the "airtel" dated February 12, 1965 which relates to such conversation, were made available to the appellant.

The appellant does not urge that he is entitled to a new trial because of the January 13, 1965 overhearing. He

We perceive no basis for concluding that the District Court's denial of the motion for new trial constituted an abuse of discretion.

In view of the foregoing, the judgment order appealed from is affirmed.

AFFIRMED.

A true Copy:

Teste:

.....
Clerk of the United States Court of
Appeals for the Seventh Circuit.

the operator of Tower Tavern, the responsible officer of that corporation, and had general supervision over its affairs. Insofar as the appellant is concerned the facts with respect to the actual operation of Tower Tavern can hardly be regarded as newly discovered evidence. He had a substantial interest in Tower Tavern. It would strain credulity to assume that he did not know the business was actually operated by his brother, rather than himself. Moreover, that fact would in no way foreclose the likelihood that the business could have been a source of unreported income to the appellant. Thus, the evidence with respect to the operation of Tower Tavern neither qualifies as newly discovered evidence which warrants consideration on a motion for a new trial, nor does it possess any probative value which might change the result of the trial.

The second category of evidence relied upon by the appellant in connection with his motion for a new trial relates to information contained in the income tax returns for the year 1961 filed by Peter F. Balistreri,² appellant's brother, and by Jennie Alioto, appellant's bookkeeper and sister-in-law. These returns disclose that each of these taxpayers reported 1961 income received from Midwest Scrap Metal Company. The amounts so reported when combined approximately equal the amount of net profit from Midwest which the government's trial evidence indicates was the annual amount of unreported income received by appellant from Midwest in the years 1959 and 1960. There was evidence at trial showing that appellant was sole owner of Midwest in 1959 and 1960, the only tax years involved. The disposition made of Midwest's receipts in 1961 does not, on the record before us, bear such relevance to the likelihood of Midwest having been a source of unreported income received by the appellant in 1959 and 1960, that the probable effect of this tax return evidence would be to change the result of the trial. This is especially so in view of evidence contained in the record with respect to alternative likely sources of unreported income.

² This return was filed jointly by Peter F. Balistreri and Mary Balistreri.

concedes that "this material apparently does not bear upon any charge of tax evasion". What appellant does contend with respect to the unlawful eavesdropping issue is that because of the nature of the government's activities and conduct in the premises this Court in the exercise of its supervisory power over the administration of criminal justice in the federal courts should reverse appellant's conviction and dismiss the indictment. In this connection the appellant seeks to impeach the integrity of the government's representation that it has now made a full and complete disclosure of all of its unlawful eavesdropping conducted against appellant. To this end appellant points to the government's re-use of the tapes used to record the unlawfully overheard conversation, with the result that the government has thereby made unavailable the best evidence of what was actually overheard. He contends that this, coupled with what he characterizes as a partial and edited version of the overhearing represented by the portion of the log and the portion of the "airtel" to which he was given access, and the piecemeal disclosures of the eavesdropping, demonstrates that there has been no adequate showing on the part of the government that this is the total of the eavesdropping and that the evidence presented on trial is untainted. We disagree.

Appellant's argument based on the erasure of the original tape recording of overhearings by re-use of the tapes after logs had been prepared therefrom was also made on the earlier appeal herein, and it was rejected by this Court. *United States v. Balistreri*, 7 Cir., 403 F. 2d 472, 476-477. Such an argument was again rejected in *United States v. Mirro*, 7 Cir., F. 2d (No. 18158, Opinion filed December 15, 1970) where the following observation, here pertinent, was made:

"Neither does the fact that the original tapes were destroyed render the available evidence on the transcribed logs inadequate. It is the general practice of the F.B.I. to use logs rather than tapes in its investigations. The tapes are usually erased or destroyed after their transcription into logs. There was no evidence at the hearing that this method of transcription lacked authenticity."

And, the additional consideration to which appellant makes reference—the piecemeal disclosures¹—attests to the government's sincerity in making a full and complete disclosure rather than an attempt to frustrate appellant in obtaining a total truthful discovery of the extent and substance of unlawful eavesdropping with respect to which he has standing to object. Moreover, when the Supreme Court remanded this case for further proceedings in the light of *Alderman and Giordano* it did not, in our judgment, extend an invitation to the District Court, or to this Court, to fashion and apply a more drastic remedy—reversal of conviction and dismissal of the indictment—for unlawful eavesdropping. As we observed in *United States v. Mirro, supra*, “We are bound to follow . . . and will not expand . . .” *Alderman and Giordano*.

We turn to consideration of appellant's contention that the District Court's denial of his motion for a new trial requires the reversal of his conviction. Motions for new trial are addressed to the sound discretion of the trial judge. *United States v. Bruni*, 7 Cir., 359 F. 2d 802, 806. Our review of the exercise of that discretion is a limited one. *United States v. Bolden*, 7 Cir., 355 F. 2d 453, 459. Absent a clear showing of abuse of discretion, the action of the trial judge in determining the probable effect of newly discovered evidence in changing the result of the trial must stand. Cf. *United States v. Lewis*, 6 Cir., 338 F. 2d 137, 139.

In the trial which culminated in appellant's conviction of income tax evasion the government presented its case on the “net worth theory”. The three most likely sources of unreported taxable income for the years involved as disclosed by the evidence adduced, pointed to by the prosecutor in argument to the jury, and relied upon by this Court in affirming the appellant's conviction, are Hotel Roosevelt, Inc., Ben-Kay, Inc.—both tavern enterprises—and Midwest Scrap Metal Company. In *United States v. Balistrieri*, 7 Cir., 403 F. 2d 472, 480, we said in this connection:

¹ This appeal involves a disclosure of an instance of unlawful electronic eavesdropping additional to that which had been disclosed at the commencement of the trial in which appellant was convicted, and which was considered by this Court on the earlier appeal (403 F. 2d 472, 474-475 and 476-477).

“As a final attack on the denial of the motion for acquittal at the close of the Government's evidence, defendant contends that the prosecution failed to prove that the increases in net worth arose from taxable sources. However, the Government fulfilled its burden under the net worth method by: (a) giving defendant credit for all loans and for the proceeds of a life insurance policy received in 1958; (b) proving that the increases did not arise from gifts or inheritance; and proving three ‘likely’ sources of taxable income—Hotel Roosevelt, Inc., Ben-Kay, Inc., and Midwest Scrap Metal Company. In *Holland v. United States*, 348 U.S. 121, 138, 75 S.Ct. 127, 136, 99 L.Ed. 150 (1954), the Court held that ‘[i]ncreases in net worth, standing alone, cannot be assumed to be attributable to current taxable income. But proof of a likely source, from which the jury could reasonably find that the net worth increases sprang, is sufficient.’ Cf. *United States v. Mackey*, 345 F.2d 499, 507 (7th Cir. 1965). The record, therefore, clearly indicates that the evidence presented to the jury was sufficient to support its verdict.”

Appellant operated and served as president of Hotel Roosevelt, Inc. and Ben-Kay, Inc. Another business in which the appellant had a substantial interest was Tower Tavern. Like Hotel Roosevelt, Inc. and Ben-Kay, Inc. it also was a tavern business. In his summation to the jury the prosecutor after pointing to other likely sources of unreported income, including the three primary likely sources to which we have made reference, referred also to Tower Tavern. He observed that the tavern business is a cash business and argued to the effect that unreported income might have been derived from one of these businesses.

The evidence which appellant asserts is newly discovered and which he claims the prosecution concealed or failed to produce, although its existence was known to the government at the time of the trial, falls into two categories.

The first category is evidence, acquired by the government in the course of an investigation with respect to unpaid employee withholding tax due from Tower Tavern, that Peter F. Balistrieri, a brother of the appellant, was

FBI

Date: 1/19/71

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL AIRMAIL
(Priority)

TO: DIRECTOR, FBI (92-3116)
 FROM: SAC, MILWAUKEE (94-316) (P)
 SUBJECT: FRANK PETER BALISTRIERI; aka
 AR
 (OO: Milwaukee)

STAFFED

Re MI teletype dated January 15, 1971.

Enclosed for the Bureau are two copies of a written opinion of the 7th Circuit Court of Appeals, Chicago, Illinois, dated 1/14/71, in the FRANK BALISTRIERI income tax evasion conviction.

The Bureau is requested to forward a copy of this opinion to [redacted] Departmental Attorney, handling civil suits by BALISTRIERI against former Bureau employees.

b6
b7c

Copies of this opinion were made available to the Milwaukee Division by DAVID J. CANNON, USA, EDW, Milwaukee, on 1/15/71. CANNON believed BALISTRIERI's attorney would appeal this ruling to the U. S. Supreme Court.

2-Bureau (Enc. 2) (AM)

2-Milwaukee

DEB:mhb

(4)

ENCLOSURE

JAN 22 1971

92-3116-665

JAN 22 1971

8

Approved: 1/23/71

Special Agent in Charge

Sent

M

Per

ENCLOSURES TO BUREAU (2)

Written opinion of the 7th Circuit
Court of Appeals, dated 1/14/71, in
income tax evasion conviction re subject.

MI 94-316

Bureau 92-3116

F456

92-3116-665

92-3116-665

92-3116-665

RECEIVED

JAN 15 1971

In the
United States Court of Appeals
For the Seventh Circuit

United States Attorney
Eastern District of Wisconsin

SEPTEMBER TERM, 1970 — SEPTEMBER SESSION, 1970

No. 18223

UNITED STATES OF AMERICA,
Plaintiff-Appellee,
vs.
FRANK PETER BALISTRIERI,
Defendant-Appellant.

} Appeal from the
United States Dis-
trict Court for the
Southern District
of Illinois, South-
ern Division

JANUARY 14, 1971

Before SWYGERT, *Chief Judge*, CASTLE, *Senior Circuit Judge*, and PELL, *Circuit Judge*.

CASTLE, *Senior Circuit Judge*. Defendant-appellant, Frank Peter Balistrieri, was convicted following a jury trial on two counts of an indictment charging him with income tax evasion for the years 1959 and 1960 by filing false and fraudulent returns in violation of 26 U.S.C.A. §7201. He was fined \$5,000 on each count and was sentenced to two concurrent two-year prison terms. On appeal this Court affirmed. *United States v. Balistrieri*, 7 Cir., 403 F. 2d 472. The Supreme Court initially denied certiorari (394 U.S. 985). In response to a petition for rehearing filed by the appellant, which petition asserted that there may have been illegal electronic eavesdropping of appellant's conversations on premises at 645 North Michigan Avenue, Chicago, Illinois, the Solicitor General stated that after investigation it had been determined that appellant was overheard during the course of an electronic

surveillance of those premises, and suggested that the case be remanded to the District Court for further proceedings. The Supreme Court granted the petition for rehearing, vacated its order denying certiorari, vacated the judgment of this Court, and remanded the case to the District Court for further proceedings in the light of *Alderman v. United States*, 394 U.S. 165 and *Giordano v. United States*, 394 U.S. 310 (395 U.S. 710).

Subsequent to the remand by the Supreme Court but prior to the District Court hearing conducted pursuant thereto, the appellant filed a motion for a new trial based on allegedly newly discovered evidence favorable to the appellant which it is asserted the prosecution concealed or failed to produce although its existence was known to the government.

After a hearing on both phases of the matter, and the making and entering of findings of fact and conclusions of law, the District Court denied the motion for a new trial; concluded that the appellant's conviction was not tainted by evidence or other fruits stemming from the unlawful surveillance conducted while he was present and participated in a conversation at 645 North Michigan Avenue, Chicago, Illinois, on January 13, 1965; and entered a new final judgment of conviction and sentence, reimposing the original fines and concurrent two-year prison terms.

The record discloses that during the period between October 2, 1964 and April 17, 1965 the government conducted an unlawful electronic surveillance of certain premises located at 645 North Michigan Avenue, Chicago, Illinois. The court examined, *in camera*, the logs relating to this surveillance and found that they reflect that during the entire period thereof the appellant was present on only one occasion, i.e., January 13, 1965. The court also examined, *in camera*, the complete "airtel" relating to the surveillance on January 13, 1965. The portion of the log for January 13, 1965 which reflects the appellant's overheard conversation, and the portion of the "airtel" dated February 12, 1965 which relates to such conversation, were made available to the appellant.

The appellant does not urge that he is entitled to a new trial because of the January 13, 1965 overhearing. He

concedes that "this material apparently does not bear upon any charge of tax evasion". What appellant does contend with respect to the unlawful eavesdropping issue is that because of the nature of the government's activities and conduct in the premises this Court in the exercise of its supervisory power over the administration of criminal justice in the federal courts should reverse appellant's conviction and dismiss the indictment. In this connection the appellant seeks to impeach the integrity of the government's representation that it has now made a full and complete disclosure of all of its unlawful eavesdropping conducted against appellant. To this end appellant points to the government's re-use of the tapes used to record the unlawfully overheard conversation, with the result that the government has thereby made unavailable the best evidence of what was actually overheard. He contends that this, coupled with what he characterizes as a partial and edited version of the overhearing represented by the portion of the log and the portion of the "airtel" to which he was given access, and the piecemeal disclosures of the eavesdropping, demonstrates that there has been no adequate showing on the part of the government that this is the total of the eavesdropping and that the evidence presented on trial is untainted. We disagree.

Appellant's argument based on the erasure of the original tape recording of overhearings by re-use of the tapes after logs had been prepared therefrom was also made on the earlier appeal herein, and it was rejected by this Court. *United States v. Balistreri*, 7 Cir., 403 F. 2d 472, 476-477. Such an argument was again rejected in *United States v. Mirro*, 7 Cir., F. 2d (No. 18158, Opinion filed December 15, 1970) where the following observation, here pertinent, was made:

"Neither does the fact that the original tapes were destroyed render the available evidence on the transcribed logs inadequate. It is the general practice of the F.B.I. to use logs rather than tapes in its investigations. The tapes are usually erased or destroyed after their transcription into logs. There was no evidence at the hearing that this method of transcription lacked authenticity."

And, the additional consideration to which appellant makes reference—the piecemeal disclosures¹—attests to the government's sincerity in making a full and complete disclosure rather than an attempt to frustrate appellant in obtaining a total truthful discovery of the extent and substance of unlawful eavesdropping with respect to which he has standing to object. Moreover, when the Supreme Court remanded this case for further proceedings in the light of *Alderman* and *Giordano* it did not, in our judgment, extend an invitation to the District Court, or to this Court, to fashion and apply a more drastic remedy—reversal of conviction and dismissal of the indictment—for unlawful eavesdropping. As we observed in *United States v. Mirro*, *supra*, “We are bound to follow . . . and will not expand . . .” *Alderman* and *Giordano*.

We turn to consideration of appellant's contention that the District Court's denial of his motion for a new trial requires the reversal of his conviction. Motions for new trial are addressed to the sound discretion of the trial judge. *United States v. Bruni*, 7 Cir., 359 F. 2d 802, 806. Our review of the exercise of that discretion is a limited one. *United States v. Bolden*, 7 Cir., 355 F. 2d 453, 459. Absent a clear showing of abuse of discretion, the action of the trial judge in determining the probable effect of newly discovered evidence in changing the result of the trial must stand. *Cf. United States v. Lewis*, 6 Cir., 338 F. 2d 137, 139.

In the trial which culminated in appellant's conviction of income tax evasion the government presented its case on the “net worth theory”. The three most likely sources of unreported taxable income for the years involved as disclosed by the evidence adduced, pointed to by the prosecutor in argument to the jury, and relied upon by this Court in affirming the appellant's conviction, are Hotel Roosevelt, Inc., Ben-Kay, Inc.—both tavern enterprises—and Midwest Scrap Metal Company. In *United States v. Balistrieri*, 7 Cir., 403 F. 2d 472, 480, we said in this connection:

¹ This appeal involves a disclosure of an instance of unlawful electronic eavesdropping additional to that which had been disclosed at the commencement of the trial in which appellant was convicted, and which was considered by this Court on the earlier appeal (403 F. 2d 472, 474-475 and 476-477).

"As a final attack on the denial of the motion for acquittal at the close of the Government's evidence, defendant contends that the prosecution failed to prove that the increases in net worth arose from taxable sources. However, the Government fulfilled its burden under the net worth method by: (a) giving defendant credit for all loans and for the proceeds of a life insurance policy received in 1958; (b) proving that the increases did not arise from gifts or inheritance; and proving three 'likely' sources of taxable income—Hotel Roosevelt, Inc., Ben-Kay, Inc., and Midwest Scrap Metal Company. In *Holland v. United States*, 348 U.S. 121, 138, 75 S.Ct. 127, 136, 99 L.Ed. 150 (1954), the Court held that '[i]ncreases in net worth, standing alone, cannot be assumed to be attributable to current taxable income. But proof of a likely source, from which the jury could reasonably find that the net worth increases sprang, is sufficient.' Cf. *United States v. Mackey*, 345 F.2d 499, 507 (7th Cir. 1965). The record, therefore, clearly indicates that the evidence presented to the jury was sufficient to support its verdict."

Appellant operated and served as president of Hotel Roosevelt, Inc. and Ben-Kay, Inc. Another business in which the appellant had a substantial interest was Tower Tavern. Like Hotel Roosevelt, Inc. and Ben-Kay, Inc. it also was a tavern business. In his summation to the jury the prosecutor after pointing to other likely sources of unreported income, including the three primary likely sources to which we have made reference, referred also to Tower Tavern. He observed that the tavern business is a cash business and argued to the effect that unreported income might have been derived from one of these businesses.

The evidence which appellant asserts is newly discovered and which he claims the prosecution concealed or failed to produce, although its existence was known to the government at the time of the trial, falls into two categories.

The first category is evidence, acquired by the government in the course of an investigation with respect to unpaid employee withholding tax due from Tower Tavern, that Peter F. Balistrieri, a brother of the appellant, was

the operator of Tower Tavern, the responsible officer of that corporation, and had general supervision over its affairs. Insofar as the appellant is concerned the facts with respect to the actual operation of Tower Tavern can hardly be regarded as newly discovered evidence. He had a substantial interest in Tower Tavern. It would strain credulity to assume that he did not know the business was actually operated by his brother, rather than himself. Moreover, that fact would in no way foreclose the likelihood that the business could have been a source of unreported income to the appellant. Thus, the evidence with respect to the operation of Tower Tavern neither qualifies as newly discovered evidence which warrants consideration on a motion for a new trial, nor does it possess any probative value which might change the result of the trial.

The second category of evidence relied upon by the appellant in connection with his motion for a new trial relates to information contained in the income tax returns for the year 1961 filed by Peter F. Balistreri,² appellant's brother, and by Jennie Alioto, appellant's bookkeeper and sister-in-law. These returns disclose that each of these taxpayers reported 1961 income received from Midwest Scrap Metal Company. The amounts so reported when combined approximately equal the amount of net profit from Midwest which the government's trial evidence indicates was the annual amount of unreported income received by appellant from Midwest in the years 1959 and 1960. There was evidence at trial showing that appellant was sole owner of Midwest in 1959 and 1960, the only tax years involved. The disposition made of Midwest's receipts in 1961 does not, on the record before us, bear such relevance to the likelihood of Midwest having been a source of unreported income received by the appellant in 1959 and 1960, that the probable effect of this tax return evidence would be to change the result of the trial. This is especially so in view of evidence contained in the record with respect to alternative likely sources of unreported income.

² This return was filed jointly by Peter F. Balistreri and Mary Balistreri.

We perceive no basis for concluding that the District Court's denial of the motion for new trial constituted an abuse of discretion.

In view of the foregoing, the judgment order appealed from is affirmed.

AFFIRMED

A true Copy:

Teste:

.....
*Clerk of the United States Court of
Appeals for the Seventh Circuit.*

92-3116-665

F B I

Date: 2/5/71

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL AIR MAIL
(Priority)

TO : DIRECTOR, FBI (92-3116)
FROM : SAC, MILWAUKEE (94-316-Sub 2) -P
SUBJECT : FRANK PETER BALISTRIERI, aka
AR

OO: Milwaukee

Enclosed for the Bureau are two copies of a decision and order signed by Judge MYRON L. GORDON, U.S. District Court, EDW, Milwaukee, on 2/1/71, regarding BALISTRIERI electronic surveillance civil suits.

It is requested a copy of this order be forwarded to
[redacted] Departmental Attorney handling these cases.

b6
b7C

REC-83

92 - 3116 - 666

100 4/1/71



FEB 8 1971

2-Bureau (Encls 2) (AM)

2-Milwaukee

DEB:sbl

(4)

ENCLOSURE ATTACHED

Approved: _____

Sent _____ M Per _____

52 FEB 18 1971 Agent in Charge

ENCLOSURES TO BU (2)
MI 94-316-Sub 2
BU 92-3116
MI airtel to BU, 2/5/71

94-3116-666

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WISCONSIN

RECEIVED

FEB 4 1971

United States Attorney
Eastern District of Wisconsin

FRANK PETER BALISTRIERI,

Plaintiff,

v.

No. 69-C-510

JOHN A. HOLTZMAN et al,

Defendants.

DECISION and ORDER

On the application of the plaintiff, this court temporarily stayed the oral depositions which were scheduled to be taken of 16 witnesses, none of whom is a party to this action. After a hearing on the matter, the court further stayed the holding of the said depositions. Briefs on the subject have been presented by opposing counsel.

An element of ambiguity surrounds the fact that the original stay was granted at the instance of plaintiff's counsel, but in his brief, such counsel purports to "represent" certain of the prospective witnesses. It is my belief that the present motion is to be construed as one made, not by the witnesses, but by the plaintiff, and that he seeks a protective order as to only 13 of the 16 prospective witnesses.

Through their counsel, the defendants Holtzman,

and LeGrand argue that the provisional stay

granted by this court was erroneous, and that no protective order was appropriate because the plaintiff has not supported his application with affidavits or otherwise demonstrated that he has good cause for seeking a protective order. The interim protective order was entered pursuant to Rule 26(c), Federal Rules of Civil Procedure, because of the court's concern that there might be "annoyance, embarrassment, oppression or undue burden" upon one or more of the 16 proposed witnesses.

In view of my familiarity with previous discovery procedures in this case, and in view of the broad, sweeping discovery contemplated, I determined, upon the plaintiff's motion, that justice required the court to consider whether the proposed discovery qualified within the scope of 26(b)(1), Federal Rules of Civil Procedure. The "good cause" contemplated in § 26(c) appeared by reason of the magnitude of the proposed discovery and the court's past experience with the proceedings of the instant case. The extent of these defendants' enthusiasm is suggested by the fact that their attorney has filed 194 pages of briefs in regard to the instant motion.

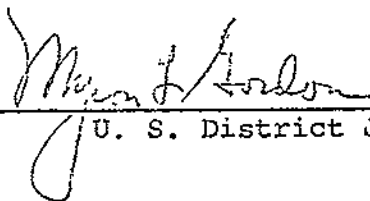
It is my conclusion that the court should vacate the protective order as to certain of the proposed witnesses and continue it as to others. The order will be vacated as to the three individuals as to whom the plaintiff has not asked for a continuation of the stay. They are Kenneth H. Read, Salvatore J. Cefalu and Santo Marino.

7
In addition, I have determined that the stay should be terminated as to Salvatore J. Dentice, August Chiaverotti, Walter Brocca and [REDACTED]

On the other hand, the stay will be continued as to Rose Palmesano, Joseph Balistrieri, Rudolph Porchetta, [REDACTED] Paul Bogosian, Carl J. Dentice, [REDACTED] [REDACTED] Joseph Maniaci, and Joseph Caminiti. As to the latter individuals, the court finds that justice requires the entry of an order protecting them from the oppression and undue burden of being compelled to submit to oral discovery proceedings at the instance of the defendants. In my opinion, their interrogation by the defendants would harass the plaintiff and the proposed witnesses rather than lead the defendants to relevant evidence. Rosanna Knitted Sportswear v. Lass O' Scotland, 13 F.R.D. 325, 326 (S.D.N.Y. 1952).

Now, therefore, IT IS ORDERED that the temporary stay ordered by this court on September 23, 1970 be ended or continued as described above.

Dated at Milwaukee, Wisconsin, this 1st day of February, 1971.



U. S. District Judge

F B I

Date: 2/4/71

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL AIRMAIL
(Priority)

TO : DIRECTOR, FBI (92-3116)

FROM : SAC, MILWAUKEE (94-316) (P)

SUBJECT: FRANK PETER BALISTRIERI, aka
AR
OO: MILWAUKEE

Re Milwaukee airtel dated 1/19/71.

Enclosed for the Bureau are two copies of an article regarding the subject which appeared in the 2/2/71 edition of the Milwaukee Sentinel.

DAVID J. CANNON, USA, EDW, Milwaukee, advised the above article regards an effort by BALISTRIERI's attorney to petition the 7th Circuit Court of Appeals, Chicago, for a rehearing on the decision handed down by the Court on 1/14/71, which denied BALISTRIERI's motion for a new trial. CANNON expected the Court to rule on this petition within the next 15 to 30 days, after which the matter will likely be taken to the U. S. Supreme Court.

Bureau is requested to furnish a copy of enclosed news article to [redacted] Departmental Attorney, handling the BALISTRIERI civil suits.

2 - Bureau (Enc. 2)
2 - Milwaukee
DEB/lav
(4)

ST-114

92-3116-667

b6
b7C

FEB 8 1971

58 FEB 12 1971

Special Agent in Charge

Sent _____ M Per _____

(Mount Clipping in Space Below)

Balistreri Conviction Appealed

Attorneys for Frank P. Balistreri, Milwaukee nightclub operator, have asked the 7th Circuit Federal Appeals Court to set aside his conviction on charges of income tax evasion.

The court in January upheld the conviction of Balistreri, 52, of 3043 N. Shepard Ave., who has been sentenced to two years in prison and fined \$10,000. He was charged with evading \$20,480 in 1959 and 1960 income taxes.

One basis for appeal has been the claim the FBI conducted illegal electronic eavesdropping while investigating the case. A petition asking for a rehearing said the government had offered an "unverified, unidentified, admittedly editorialized, resume of what it claims was overheard by eavesdroppers, part of the trespassing gang, who destroyed the best evidence of the evidence thus unconstitutionally obtained."

The petition said since the original tapes of the overheard conversations were destroyed, the log entries left the defendant (Balistreri) "helpless to develop by examination the accuracy, completeness or any truths concerning the logs."

Attorneys Maurice J. Walsh, of Chicago, and his son, Carl, argued in the petition that Balistreri had been charged with \$5,000 of income he did not receive and on which tax had been paid by two other persons long before his indictment.

"Concealment of this fact from the jury and the judge might reasonably well have resulted in a different verdict," the petition said. "A new trial should have been granted on this evidence alone."

The lawyers called "obviously inflammatory" the government's "conjectural and speculative argument . . . as to whether a man like the defendant 'might not have derived additional money from one of the businesses that he had control over' (Badger Boxing Club and Tower Tavern)."

"No delinquency in reported cash receipts was ever demonstrated," the petition continued, "and the willful and knowing error of the government's representative in making this false and unfounded argument should not be excused."

(Indicate page, name of newspaper, city and state.)

A-5
MILWAUKEE SENTINEL
MILWAUKEE, WISCONSIN

Date: 2/2/71
Edition: FINAL

Author:
Editor: HARRY SONNEDORN
Title:
FRANK P. BALISTRERI

Character:
or

Classification: 94-
Submitting Office: MILWAUKEE

☐ Being Investigated

92-3116-667

F B I

Date: 3-5-71

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL AIR MAIL - REGISTERED MAIL
(Priority)

TO : DIRECTOR, FBI (92-3116)

FROM : SAC, MILWAUKEE (94-316-Sub 2)

SUBJECT: FRANK PETER BALISTRIERI
AR

OO: MILWAUKEE

[redacted] Departmental Attorney, Washington, D. C., advised on 3-5-71 that disposition hearings were held in Milwaukee during the period 3/1-5/71 in connection with the FRANK BALISTRIERI electronic surveillance civil damage suit against a Bureau Supervisor and former Bureau Agents.

Among the witnesses called for these hearings were the following:

[redacted]
SALVATORE J. DENTICE

AUGUST CHIAVEROTTI

WALTER BROCCA

2 - Bureau (92-3116) (AM-EM)

7 - Milwaukee

1 - 94-316-Sub 2

1 - [redacted]

1 - 92-468

1 - 92-228

1 - 92-57

1 - 166-356

1 - 92-429

DEB:gms

(9)

71 MAR 22 1971

REC-111

92-3116-668

MAR 8 1971

b6
b7c

Approved: _____
Special Agent in Charge

Sent _____ M Per _____

F B I

Date:

Transmit the following in _____
(Type in plaintext or code)Via _____
(Priority)

MI 94-316-Sub 2

SAM J. CEFALU

SANTO NICK MARINO

[redacted] testified to having issued checks in the past for FRANK BALISTRIERI; however, she could not recall the name she used to sign these checks, the name of the bank on which these checks were drawn, or the purpose of issuing these checks. She vaguely recalled making a State Application for a Seller's Permit upon the request of FRANK BALISTRIERI. [redacted] failed to produce any records as previously requested and was unable to remember any details for other questions asked of her.

b6
b7C

DENTICE, CHIAVEROTTI, and BROCCA all took the Fifth Amendment to all questions asked of them.

[redacted] advised that SANTO MARINO denied having been the victim of any pressure in the past from FRANK BALISTRIERI to have BALISTRIERI's coin machines placed in his tavern. [redacted] noted [redacted]

b6
b7C
b7E

[redacted] advised he now contemplates preparation of motions to be filed at a future date for written admissions from BALISTRIERI and for the filing of interrogatories and motions for the production of records by BALISTRIERI.

Bureau will be kept advised of further details.

- 2 -

Approved: _____ Sent _____ M Per _____
Special Agent in Charge

F B I

Date: 3/10/71

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL AIRMAIL
W (Priority)

TO: DIRECTOR, FBI (92-3116)

FROM: SAC, MILWAUKEE (94-316) (A)

SUBJECT: FRANK PETER BALISTRERI; aka
AR

OO: Milwaukee

Re Bureau form 0-1 dated 2/22/71.

Delay in submission of report on subject case which
was due at Bureau 3/10/71, requested by case agent
having been occupied with recent Title III and police
school matters.

Report will be submitted by 3/26/71.

2-Bureau (AM)
2-Milwaukee
DEB:mhb
(4)

One

EX-100 REC-4 92-3116-669

MAR 13 1971

Approved: _____

Special Agent in Charge

Sent _____

M

Per _____

FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE MILWAUKEE	OFFICE OF ORIGIN MILWAUKEE	DATE 3/26/71	INVESTIGATIVE PERIOD 9/11/70 - 3/22/71
TITLE OF CASE FRANK PETER BALISTRIERI, aka		REPORT MADE BY SA DANIEL E. BRANDT	TYPED BY ds
		CHARACTER OF CASE AR	

REFERENCE

Milwaukee report of SA DANIEL E. BRANDT, 8/31/70.

-P-

LEADSMILWAUKEEAt Milwaukee, Wisconsin

Continue to follow the progress of BALISTRIERI's Supreme Court appeal on his income tax evasion conviction and maintain contact with sources re his current activities.

ACCOMPLISHMENTS CLAIMED						<input checked="" type="checkbox"/> NONE	ACQUIT-TALS	CASE HAS BEEN:
CONVIC.	AUTO.	FUG.	FINES	SAVINGS	RECOVERIES	NONE		
								PENDING OVER ONE YEAR <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
								PENDING PROSECUTION OVER SIX MONTHS <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
APPROVED						SPECIAL AGENT IN CHARGE		
COPIES MADE:						DO NOT WRITE IN SPACES BELOW		
3-Bureau (92-3116) (RM)						92-3116-670 REC-20		
1-USA, Milwaukee						APR 2 1971		
1-Chicago (Attorney-In-Charge, Chicago Field Office, SHELDON DAVIDSON) (RM)								
2-Milwaukee (94-316)								
Dissemination Record of Attached Report						Notations		
Agency	CC. 1st. Criminal Division					STAT. SECT.		
Request Recd.								
Date Fwd.	Organized Crime and Racketeering							
How Fwd.								
By	Section 2							

54 APR 14 1971

5198

COVER PAGE

MI 94-316

INFORMANTS

<u>Identity</u>	<u>Date</u>	<u>Contacted By:</u>
MI T-1 is		SA DANIEL E. BRANDT
MI T-2 is		SA DANIEL E. BRANDT
MI T-3 is		SA DANIEL E. BRANDT
MI T-4 is		SAs DANIEL E. BRANDT and

b6
b7C
b7D

ADMINISTRATIVE

The investigative period of this report is extensive; however, this investigation was kept current through active investigation and interoffice correspondence.

The following information is being set forth in the administrative section of this report as dissemination of this information could possibly result in the compromise of valuable live informants.

On [redacted] advised [redacted]

b7D

It was further determined that the Milwaukee La Cosa Nostra (LCN) member, SANTO MARINO, had been served with a subpoena in connection with the BALISTRIERI suit.

On [redacted] advised he had received information b6

b7C
b7D

MI 94-316

On 10/16/70, MI 623-G-TE advised Milwaukee LCN member,

[REDACTED]

[REDACTED] instructed by FRANK

BALISTRIERI [REDACTED]

[REDACTED] BALISTRIERI

[REDACTED]

[REDACTED]

[REDACTED] FRANK BALISTRIERI had ruined the city and the Milwaukee LCN family as everyone was in trouble.

[REDACTED]

On the same date, the informant [REDACTED]

[REDACTED]

BALISTRIERI [REDACTED]

On [REDACTED] advised he had heard in the past

[REDACTED]

[REDACTED] to FRANK BALISTRIERI.

MI 94-316

On [redacted] advised [redacted]
[redacted]
[redacted] FRANK BALISTRERI [redacted]
[redacted] and BALISTRERI
[redacted] Informant
indicated the possibility [redacted]
[redacted]

b7D

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to: 1-USA, MILWAUKEE
1-CHICAGO (Attorney-In-Charge, Chicago Field Office,
SHELDON DAVIDSON)
Report of: SA DANIEL E. BRANDT Office: MILWAUKEE
Date: March 26, 1971
Field Office File #: MI 94-316 Bureau File #: 92-3116
Title: FRANK PETER BALISTRIERI

Character: ANTI-RACKETEERING

Synopsis: Oral arguments on FRANK PETER BALISTRIERI's appeal of his income tax evasion conviction held at 7th Circuit Court of Appeals, Chicago, on 11/19/70. BALISTRIERI's appeal denied 1/14/71. Attorneys for BALISTRIERI petitioned U. S. Supreme Court for Writ of Certiorari on 3/11/71. Subject's father, JOSEPH BALISTRIERI, died on 3/3/71, and his wake and funeral were attended by La Cosa Nostra (LCN) members from Milwaukee, Madison, Rockford, Illinois, and Kansas City. BALISTRIERI confined to hospital 3/7/71, with broken leg.

-P-

DETAILS: Status of FRANK PETER BALISTRIERI's income tax conviction

On October 27, 1970, DAVID J. CANNON, United States Attorney, Eastern District of Wisconsin, (EDW), Milwaukee, advised oral arguments in the FRANK BALISTRIERI second income tax evasion appeal were scheduled to be held at the 7th Circuit Court of Appeals, Chicago, Illinois, on November 19, 1970.

On November 20, 1970, Mr. CANNON advised 7th Circuit Court of Appeals charges appeared to favor the Government's argument against the granting of a new trial to BALISTRIERI during oral arguments.

On January 14, 1971, the 7th Circuit Court of Appeals affirmed the Judgment Order appealed from the United States District Court, Southern District of Illinois, in the BALISTRIERI case.

MI 94-316

On February 1, 1971, Mr. CANNON advised a petition for a rehearing by the 7th Circuit Court of Appeals was received from BALISTRIERI's attorneys.

On February 18, 1971, a copy of a Motion for Stay of Mandate pending filing of a Petition for Certiorari under Rule 41 (b) was received.

Attorneys for BALISTRIERI filed a Petition for Certiorari with the United States Supreme Court on March 11, 1971.

Business Enterprises

The following are articles which appeared in Milwaukee newspapers regarding FRANK BALISTRIERI's nightclub operations:

(Mount Clipping in Space Below)

Agents Close Balistreri Linked Club

The Kings IV, a tavern-restaurant linked to Frank P. Balistreri, was closed Tuesday night after agents from the attorney general's Criminal Investigation Division gave the establishment notice that its tavern license was revoked.

A spokesman for Atty. Gen. Robert W. Warren said Tuesday night that state agents earlier Tuesday were conducting a routine investigation of the tavern premises at 720 N. Water St. and were refused access to a basement storage room.

Under the law, he said, denying access to an inspector automatically revokes the tavern license of an establishment.

Agents from the division returned to the Kings IV Tuesday night and served notice that its tavern license was considered revoked, said Frank A. Meyers, director of operations for the division.

The notice, Meyers said, was read to Sue Bartfield, who indicated she was the person in charge in the absence of the licensee, Peter Gaudesi.

Gaudesi was secretary and treasurer of the corporation that formerly operated Alfie's, 4126 N. Teutonia Ave., another tavern linked at the time to Balistreri.

Miss Bartfield and the bartender on duty at the Kings IV when state agents arrived Tuesday night asked customers to leave after the agents read the notice to Miss Bartfield.

Meyers said that Atty. Richard Surges, who said he represented Gaudesi, told agents during the inspection that they would not be allowed in the basement storage area. Surges was not at the Kings IV when the agents returned Tuesday night, Meyers said.

(Indicate page, name of newspaper, city and state.)

A-8

MILWAUKEE SENTINEL
MILWAUKEE, WISCONSIN

Date: 10-7-70
Edition: FINAL
Author:
Editor: HARRY SONNEBORN
Title:

Character:

or

Classification:

Submitting Office: MILWAUKEE

☐ Being Investigated

(Mount Clipping in Space Below)

Liens Filed Against 2 Taverns

Federal tax liens totaling \$1,375 were filed against two taverns associated with relatives and friends of Frank P. Balistrieri, Milwaukee night club operator.

One lien was for \$647 in employee withholding taxes allegedly owed by Ben Kay, Inc., operator of the Downtowner Cocktail Lounge, 340 W. Wells St.

Internal Revenue Service (IRS) agents closed the Downtowner Thursday night for about an hour until the taxes were paid.

A \$728 lien for employee withholding taxes has been filed against Bals, Inc., operator of The Scene, 624 N. 2nd St., by IRS.

(Indicate page, name of newspaper, city and state.)

A-18

MILWAUKEE SENTINEL
MILWAUKEE, WISCONSIN

Date: 10-17-70

Edition: FINAL

Author:

Editor: HARRY SONNEBORN

Title:

Character:

or

Classification:

Submitting Office: MILWAUKEE

☐ Being Investigated

(Mount Clipping in Space Below)

Bid Made For Bar License

The licensee of the Kings IV started an action in Circuit Court Wednesday in an attempt to stop revocation of the tavern license by the state.

Peter Gaudesi filed the action against Atty. Gen. Robert W. Warren and James R. McGowan, secretary of the Department of Revenue.

State agents Tuesday night ordered the closing of the Kings IV, 720 N. Water St., after agents were denied access to an area at the tavern-restaurant.

Circuit Judge John A. Decker set a hearing for Monday on Gaudesi's request for a temporary order restraining the defendants from revoking the license and filing misdemeanor charges against the operation.

The Kings IV opened again for business Wednesday and apparently will stay open pending a court determination of Gaudesi's challenge.

The lawsuit asks that the statute under which the state is acting be declared invalid because "it confiscates property of a citizen without due process of law and takes property without an adversary hearing. . . ."

It said agents came to the Kings IV for the "apparent reason" of determining whether there were any liquor law violations. They left the place "when Atty. Richard Surges advised them that they had no right to proceed further into locked areas without a search warrant."

The state claims that denying access to inspectors is cause for revocation of the license.

(Indicate page, name of newspaper, city and state.)

A-5

MILWAUKEE SENTINEL
MILWAUKEE, WISCONSIN

Date: 10-8-70

Edition: FINAL

Author:

Editor: HARRY SONNEBORN

Title:

Character:

or

Classification:

Submitting Office: MILWAUKEE

☐ Being Investigated

(Mount Clipping in Space Below)

Raid Ruined Him, Owner of Club Says

Peter Balistrieri, president of the corporation that operates The Scene nightclub, testified Tuesday that a raid Nov. 28, 1969, by state agents ruined his business.

"We took in about \$2,500 for December of 1969," Balistrieri said in a deposition taken in the State Office Building. Receipts for November, 1969, had been \$11,500, he testified.

The deposition was taken in Balistrieri's \$200,000 lawsuit against Atty. Gen. Robert W. Warren and four of Warren's aides.

Balistrieri alleged that the raid was "maliciously instituted."

"It was a raid to close up the place," Balistrieri testified. "They came in with the attitude and arrogance to take over."

Balistrieri was questioned by Asst. Atty. Gen. Sverre O. Tinglum, who is representing Warren and the other defendants, Daniel P. Hanley, Warren's executive secretary; Walter Younk and Herbert Krusche, special agents, and Asst. Atty. Gen. Peter Peshek.

Balistrieri said he was called to The Scene, 624 N. 2nd St., by Joseph Enea, a bartender, after the agents arrived.

When he got there he saw Younk at the top of a stairway making sure customers were leaving, he said. State agents also were behind the bar, testing liquor bottles and were taking photographs in the kitchen, Balistrieri testified.

Four waitresses were kept from their work by agents who were questioning them, Balistrieri said.

Balistrieri said The Scene



Peter Balistrieri

had been closed "for most of 1970, except for a few wedding parties."

(Indicate page, name of newspaper, city and state.)

B-11

THE MILWAUKEE JOURNAL
MILWAUKEE, WISCONSIN

Date: 12-16-70

Edition: FINAL

Author:

Editor: RICHARD H. LEONARD

Title:

Character:

or

Classification:

Submitting Office: MILWAUKEE

☐ Being Investigated

(Mount Clipping in Space Below)

Balistreri Explains Hiring Practice

The operator of the Scene, a Milwaukee nightclub, denied Tuesday that he had ever hired anyone to work in the downtown night spot while knowing of previous convictions on felony charges. **94-316**

Peter F. Balistreri, president of Bais, Inc., which operates the Scene, also denied knowledge of the corporation's general business records and said that he was not sure if the corporation had as yet been dissolved.

Balistreri testified during three hours of questioning by Asst. Atty. Gen. Sverre O. Tinglum in an adverse hearing held in the State Office Building.

The hearings are preliminary to court action on a federal suit filed by Balistreri, his wife, Mary, and his son, Joseph. The suit alleges Atty. Gen. Robert W. Warren and members of his staff harassed the family by raiding the nightclub, 624 N. 2nd St., on Nov. 28, 1969.

Under questioning by Tinglum, Balistreri admitted that John C. Rizzo had been employed at the Scene to collect admission charges.

On May 24, 1967, Rizzo was fined \$1,800 in Kenosha on a charge of commercial gambling stemming from an August, 1965, John Doe investigation into commercial gambling in the Kenosha area.

Rizzo is known to be a longtime assistant and friend of Peter's brother, Frank P. Balistreri, who was identified by Sen. John L. McClellan (D-Ark.), chairman of the Senate Rack-ets Subcommittee, as a member of one of the "principal families" in the Cosa Nostra.

McClellan made the statement about Frank P. Balistreri, 51, a Milwaukee tavern operator, during a 1969 speech on the Senate floor.

During questioning, Peter Balistreri also denied positive

knowledge of ever hiring other reputed former employees with extensive felony records.

When questioned about his business, Balistreri said that he was not sure who his present corporate attorney was but that it might still be Atty. James Shellow.

When asked if he had ever seen his own corporation's minute book, he replied, "I might have."

Balistreri said that the corporation's records were kept by Miss Jennie Alioto, who also has reportedly handled business records for Frank Balistreri.

"Do you have any knowledge of the records?" Tinglum asked.

"I do not know anything about bookkeeping . . .," replied Balistreri.

Balistreri said during ques-

tioning that he had drawn a weekly salary of \$125 while the Scene, which has since closed, was in operation.

Balistreri also said that his brother, Frank, "might have" played a role in arranging advertising and ordering equipment for the Scene.

"On what authority?" asked Tinglum.

"He is my brother," said Balistreri.

Balistreri was represented by Madison Atty. Donald Eisenberg.

(Indicate page, name of newspaper, city and state.)

A-12

MILWAUKEE SENTINEL
MILWAUKEE, WISCONSIN

Date: 12-16-70

Edition: FINAL

Author:

Editor: HARRY SONNEBORN

Title:

Character:

or

Classification:

Submitting Office: MILWAUKEE

☐ Being Investigated

(Mount Clipping in Space Below)

Scene Waitresses Criticize Agents

Two cocktail waitresses testified Friday that they quit jobs at The Scene because of questioning and intimidation by state agents.

The waitresses — Mrs. Roberta Jones, 27, and Miss Mar-

sha Ustruck, 24, — were subpoenaed by the state to give depositions in connection with a suit filed by Peter F. Balistreri against Atty. Gen. Robert W. Warren and four members of his staff.

Balistreri is seeking \$200,000 in damages from each defendant.

Balistreri, president of Bals, Inc., the corporation which operated The Scene, has charged that a raid by state agents on the club Nov. 28, 1969, ruined his business reputation and forced him to close.

Questioned in Car

Miss Ustruck, 826 S. 89th St., testified that a few days after the raid, Walter Younk, a state agent, questioned her in her car outside her house.

She testified that Younk had asked her questions concerning her job at The Scene and persons whom she did not know.

After she told him she could not answer his questions concerning other persons, Younk became angry, Miss Ustruck said.

"You'll Be Subpoenaed"

"He said to me, 'You know if you're lying, you'll be subpoenaed,'" Miss Ustruck testified. After the remark by Younk, she said, she ordered him out of her car.

"I said, 'Get the heck out of here.'"

Miss Ustruck, who now works as a beautician, said, "I never worked anywhere where I had people questioning me," she said. "I felt like a criminal."

"Business Dropped Off"

Miss Ustruck said that The Scene was a popular night spot for rock music fans up until the time of the raid. After that, she testified, "business really, really dropped off."

"By the end of November, there were only one or two customers in the place" at night, she said.

Mrs. Jones, 1236 N. 24th Pl., said that on nights of operation after the raid, business was only "about half" of what it formerly had been.

Questioned Later

She testified that a week after the raid, Younk and another investigator for the attorney general, Herbert L. Krusche, came to her house to question her.

She said that while she was in another room, Younk went "snooping in my bedroom." She testified also that Krusche

(Indicate page, name of newspaper, city and state.)

A-16

MILWAUKEE SENTINEL
MILWAUKEE, WISCONSIN

Date: 2-6-71
Edition: LATEST
Author:
Editor: HARRY SONNEBORN
Title:

Character:
or

Classification:
Submitting Office: MILWAUKEE

☐ Being Investigated

told her that she would face a "perjury rap" if she gave the same answer in court that she gave to him on that day.

Mrs. Jones, a divorcee, said also that Krusche told her that her boss at The Scene was in actuality Frank P. Balistreri, not his brother, Peter.

"Gestapo Tactics"

At this point, the witnesses' attorney, Donald S. Eisenberg, Madison, interjected, "How about those Gestapo tactics?"

Svere O. Tingle, an assistant attorney general who was examining Mrs. Jones, told Eisenberg to "cool it" or he would arrange to have the deposition taken in the presence of a federal court commissioner.

The depositions were taken in a room at the State Office Building.

Arm Grabbed

Mrs. Jones testified that on the night of the raid, a state agent grabbed her arm, led her into a corner and demanded to see identification. She said she did not know the agent's identity but that he flashed a badge.

"He had kind of grayish hair and a black raincoat," she recounted. "They all have black raincoats these days."

Joseph Enea, 1522 E. Kane Pl., who said he was manager of The Scene, testified that between 150 and 200 customers cleared out of the building after the raid.

Previous Visits

Enea said that Krusche and Younk had made frequent appearances at the Scene before the night of the raid to observe customers and employees.

"Krusche and Younk are very rude people," Enea said. "They have a tendency not to talk in a gentlemanly way. . . They blow their tops."

Enea said on the night of the raid, Younk went on the stage where a "young hippie band was playing," and "took a microphone and said the place was closed down."

Enea added, "Everything was in a state of confusion — positively."

MI 94-316

Miscellaneous

The following article appeared in the October 20, 1970 edition of the Milwaukee Sentinel reflecting the loss of BALISTRERI's driver's license and motor vehicle registration:

Car Use Lost By Balistrieri

BY GENE CUNNINGHAM

Frank P. Balistrieri, downtown night spot operator, can't drive his Cadillac. It's wrecked, minus license plates and unusable, in the driveway at his home following suspension by the state of his auto registration.

Action to suspend Balistrieri's auto registration and

driver's license was taken because he did not have auto insurance last April 18 when he was involved in an accident in Milwaukee, according to the State Motor Vehicle Division.

License Expired

However, Balistrieri's driver's license already had expired, said Neil McCallum, supervisor of the Safety Responsibility Section of the Motor Vehicle Division.

Balistrieri's driver's license expired on his birthday last May 27 and has not been renewed, McCallum said.

McCallum said his section



Frank
P.
Balistrieri

suspended Balistrieri's auto registration Sept. 22.

Balistrieri's car at present is unlicensed and he has no driver's license, McCallum said.

The law, he said, prohibits transferring the registration of the car to someone else's name in order to defeat the statute.

Report Required

By law, anyone involved in an auto accident in which damages exceed \$200 must file a report with the division within 10 days and list his auto insurance company in the report.

Balistrieri filed the required report and listed an insurance company, but he did not have a policy with the company, McCallum said.

To obtain another driver's license and get his auto registration back, Balistrieri would have to obtain a release from the person injured or damaged in the accident or post a bond in an amount specified by the division, McCallum said.

(Indicate page, name of newspaper, city and state.)

A-1

MILWAUKEE SENTINEL
MILWAUKEE, WISCONSIN

Date: 10-20-70

Edition: FINAL

Author:

Editor: HARRY SONNEBORN

Title:

Character:

or

Classification:

Submitting Office: MILWAUKEE

☐ Being Investigated

He said he could not disclose the amount of the bond set, but that Balistreri had neither posted the bond nor filed a release.

Balistreri has been identified on the floor of the US Senate as a member of one of the nation's principal Cosa Nostra families. At present he is appealing a conviction for federal income tax evasion for which he was sentenced to two years in prison.

The auto accident in which Balistreri was involved resulted in a \$100,000 lawsuit against him.

Miss Dana L. Finley, 25, of 770 N. Marshall St., filed the suit in which she claimed she

MI 94-316

The following two newspaper articles regard court action in the FRANK BALISTRIERI civil suit against the Government:

(Mount Clipping in Space Below)

Balistreri Used Business as Front, US Tells Court

The Justice Department charged Thursday that a jukebox business operated by Frank P. Balistreri, a night-club owner convicted of income tax evasion, was a front for other activities.

The government did not specify what activities, but emphasized that the businesses being operated out of 2559 N. Downer Ave. starting in 1964 were merely to disguise other activities of the plaintiff at the premises and elsewhere.

In a 165 page affidavit, the Justice Department made that and other allegations to back up its request that it be allowed to take depositions from 8 persons — most of them close business and personal friends of Balistreri—to help prove its case.

The government contends

that it needs the testimony in connection with the \$1,750,000 damage suit that Balistreri has begun against several former FBI agents and the Wisconsin Telephone Co.

Balistreri contends that illegal electronic eavesdropping was used at the Downer Ave. premises during an income tax investigation that resulted in his conviction in March, 1967. He is free on bail — he was sentenced to two years in prison — pending a hearing on his latest appeal. Balistreri also was fined \$10,000.

His son, Joseph P., an attorney who has been handling the case for his father, could not be reached for comment.

Neil R. Peterson, a Justice Department attorney in Washington, subpoenaed the 16 wit-

nesses. Atty. Balistreri objected, and Federal Judge Myron L. Gordon directed Peterson to file additional information explaining why the depositions were necessary.

Through the witnesses he had subpoenaed, Peterson contended, he would prove that Balistreri — not someone else, as Balistreri had testified in a trial — rented the Downer Ave. premises under a false name.

"He did this either because no one would have been willing to rent to him in his true name or because it was essential that his identification with whatever operation was to be conducted at the premises be kept secret," Peterson's brief said.

Three separate entities did business at that address, Peterson continued. "All . . . insofar as they actually did business, were paying part of the proceeds of that business to plaintiff . . ." the brief declared.

The government said two of the businesses involved the sale and servicing of jukeboxes, which, the brief went on, was profitable, with proceeds going to Balistreri.

The third business, said to have operated out of that address, was not identified.

Among persons the government wants to examine are Joseph Caminiti of N76-W14993 Menomonee Falls Dr., Menomonee Falls, a trustee of Council No. 30 of the Teamsters Union; Peter F. Picciurro, 1016 E. Hamilton Ave., operator of Pitch's De Lish Us Distributors, 2754 N. 30th St.; Walter Brocca, 4023 S. Kansas Ave., a former jukebox dealer; Carl Dentice, 8210 W. New Jersey Ave., from whom the government alleges Brocca bought jukeboxes, and Mrs. Rose Palmisano, 4928 N. Hollywood Ave., Whitefish Bay, Balistreri's sister.

(Indicate page, name of newspaper, city and state.)

B-1
THE MILWAUKEE JOURNAL
MILWAUKEE, WISCONSIN

Date: 10-22-70
Edition: LATEST
Author:
Editor: RICHARD H. LEONARD
Title:

Character:
or
Classification:
Submitting Office: MILWAUKEE
☐ Being Investigated

(Mount Clipping in Space Below)

Depositions Needed in Balistrieri Case, Court Told

The Justice Department said it will prove that Frank P. Balistrieri was "endeavoring to conceal his interest" in jukebox and vending machine businesses if the Federal Court permits it to take 16 depositions in connection with a damage suit.

In 165 pages of documents filed recently with the court, the Justice Department maintained it was entitled to prove that Balistrieri, a downtown night spot operator:

- Rented premises at 2559 N. Downer Ave., in 1964 under a false name, Frank Bell, "either because no one would have been willing to rent to him in his true name or because it was essential that his identification with whatever operation was to be conducted at the premises be kept secret."

- Contrary to Balistrieri's previous testimony, jukebox and vending machine businesses at the Downer premises were operating with his full and complete knowledge, sanction and explicit direction.

\$1,750,000 Suit

- Operation of the businesses from the premises was merely to disguise his other activities there and elsewhere. The papers were filed with Judge Myron L. Gordon in

connection with the \$1,750,000 damage suit Balistrieri has started against federal agents and the Wisconsin Telephone Co.

Balistrieri, 52, Milwaukee nightclub operator, has claimed in his suit that illegal eavesdropping devices were used at the Downer Ave. premises during an investigation into his taxable income.

Balistrieri, 3643 N. Shepard Ave., has been free on \$15,000 appeal bond since his conviction by a Federal Court jury on March 23, 1967, on charges of evading \$20,480 in taxes in 1959 and 1960. He was sentenced to two years in prison and was fined \$10,000.

In connection with the damage suit, Neil R. Peterson, an attorney with the Justice Department in Washington, had subpoenaed 16 persons to give sworn statements and produce records.

Asks for Proof

Atty. Joseph P. Balistrieri, representing his father, objected, and Gordon told Peterson to offer further proof why the evidence was necessary.

Peterson in the brief in support of relevance of proposed depositions said it was beyond Gordon's "power or discretion" to halt the depositions. He said Gordon's order "should be vacated immediately."

The brief said Frank P. Balistrieri's sworn statement in relation to the damage suit "is confused, equivocal, uncertain, fragmentary and, at best, woefully inadequate and hopelessly incomplete."

"Bearing in mind that plaintiff (Frank P. Balistrieri) claims that he and he exclusively occupied the premises as a sales office doing business as Continental Music Sales, it is totally incredible that there is not one single detail pertaining to that alleged business which the plaintiff could remember clearly or on which he did not equivocate or disavow knowledge," the brief said.

Peterson said previously

that the Justice Department had "reasonable belief there is no Continental Music Sales" never was and was never intended to be. The firm is the one the Balistrieri suit alleges was bugged.

In the documents, Peterson said he wanted the deposition of Kenneth H. Read, 8025 N. Beach Dr., Fox Point, because Read would testify that Balistrieri leased the premises under a false name, gave a false address (his brother's) and gave a telephone number listed under the name of James White, which is another name for Miss Jennie Alioto.

Miss Alioto, bookkeeper for

(Indicate page, name of newspaper, city and state.)

A-5
MILWAUKEE SENTINEL
MILWAUKEE, WISCONSIN

Date: 10-22-70

Edition: FINAL

Author:

Editor: HARRY SONNEBORN

Title:

Character:

or

Classification:

Submitting Office: MILWAUKEE

☐ Being Investigated

Frank P. Balistreri, has filed a \$1 million damage suit against federal agents for illegal bugging and spying activities about Oct. 3, 1961, in an apartment at 1609 N. Prospect Ave., where she formerly lived.

Peterson also said Read saw the names Continental Music, Continental Sales and Commercial Sales on the door of the Downer premises.

Statements Sought

Peterson in the brief and affidavits also told the court of the necessity of taking sworn statements from the following persons:

- Joseph Caminiti, who knows there were three separate businesses involved and they were run for the benefit of Frank P. Balistreri.

This would be in direct contravention of Balistreri's testimony, the brief said, would raise the inference that the complaint in this case is really a sham and a deliberate attempt on Balistreri's part to recover damages he did not sustain.

Caminiti, of N76-W14993 Menomonee Falls Dr., Menomonee Falls, is a trustee of Joint Council No. 30 of the Teamsters and a member of the editorial board of the Wisconsin Teamster publication.

Relative Named

- Peter F. Picciurro, 1016 E. Hamilton Ave. (the son of the late John J. Picciurro, who in turn was the uncle of Frank P. Balistreri), the individual Balistreri has testified told him that there was "heat" on relative to Balistreri.

Peter Picciurro owns Pitch's De Lish Us Distributors, 2754 N. 30th St.

- Walter Brocca, 4023 S. Kansas Ave., contacted a cabinetmaker in late 1963 or early 1964 and inquired if 100 jukebox cabinets could be made. But the cabinetmaker, after making one prototype cabinet, declined the offered business on the ground that he was too busy with other work.

Brocca bought used jukeboxes from Carl J. Dentice, 8210 W. New Jersey Ave., in conjunction with August Chiaverotti, 3018-A W. Ruskin Ave. The used jukeboxes were put in new cabinets and were sold, but a number of them were returned when the purchasers found out they had been sold used jukeboxes in new cabinets.

- Sa Marino, 1914 N. Prospect Ave., at least for a time in 1961 and a Bob Puccio (P & P Vending) jukebox on the premises of his establishment, Marino's Corner, 1601 W. State St., until he switched

to a jukebox owned by Carl Dentice.

Pressure Seen

"The defendants have reason to believe that this switch was accomplished as a result of direct or indirect pressure from plaintiff (Frank P. Balistreri)," the brief said. "This raises the question as to what plaintiff's position relative to Marino was in order for him to be able to pressure Marino into making a change."

- Chiaverotti was brought into the business on Downer Ave. by Frank P. Balistreri, according to the latter's testimony, and had complete authority over it once the plaintiff ceased to finance it further.

He also testified he and Chiaverotti tried to relocate after they left Downer Ave., that he did not participate in another location because people were reluctant to rent to him. As soon as people heard his name they would refuse to do business with him, Balistreri said.

Balistreri moved his equipment back to the garage of his father (Joseph Balistreri, 7800 N. Santa Monica Blvd., Fox Point), an affidavit said. He sold the rest or gave it away, and he never asked Chiaverotti if Continental Music Sales found other premises.

Chiaverotti should be able to clarify whether he was in business on his own or whether he was a cover for Balistreri, the brief said.

Others Named

- Joseph Balistreri; Mrs. Rose Balistreri Palmisano, 4928 N. Hollywood Ave., Whitefish Bay (sister of Frank P.), Rudolph Porchetta, 2848 N. 36th St., and Joseph Maniaci, 3326 N. Richards St.

These four persons held executive positions of record with Melody Lane, Inc., the brief said. Balistreri testified that he did not know whether Melody Lane was located at Downer Ave.

Carl Dentice bought the sets of Melody Lane but he did not report any significant increases in the number of phonograph or vending machines he owned. This could raise an inference that the sale was a sham and a means of concealing payments of \$30,000 by Dentice to Balistreri, the brief said.

"This inference is heightened by the fact that in the same year when Carl Dentice reported a payment of \$5,400 to Melody Lane, Inc., for legal fees, Melody Lane reported an identical payment of \$5,400 to Balistreri," according to the papers.

MI 94-316

On October 27, 1970, [redacted] State Division of Criminal Investigation, telephonically advised agents of his staff had observed Chicago La Cosa Nostra, (LCN), family member FRANK BUCCIERI with FRANK BALISTRIERI, STEVE DE SALVO, [redacted] and MAX ADDONIS having a meeting and dinner at Sally's Steak House, Knickerbocker Hotel, on the evening of October 26, 1970. BALISTRIERI, DE SALVO, and [redacted] went to BALISTRIERI's Ad Lib Club at 2 a.m.

b6
b7C

On November 25, 1970, Captain [redacted] Special Assignment Squad, Milwaukee Police Department, advised STEVE DE SALVO and FRANK BALISTRIERI have been seen in the company of [redacted] on November 23, 24, and 25, 1970. (It is noted [redacted] operates several bookstores in Milwaukee specializing in obscene literature). The reason for BALISTRIERI's and DE SALVO's association with [redacted] was not known to Captain ENGEBRETSON.

b6
b7C

On [redacted] MI T-1 advised the 97 year old mother of Milwaukee bookmaker FRANK SANSONE died recently in Cleveland, Ohio, and her wake was held in Milwaukee. FRANK BALISTRIERI was one of the individuals who attended this wake.

On [redacted] MI T-2 advised FRANK BALISTRIERI attended a party at Sally's Steak House, Knickerbocker Hotel, Milwaukee [redacted]

b7D

On [redacted] MI T-1 advised JOSEPH AIELLO, considered to be the underboss of the Madison, Wisconsin LCN family, died of natural causes in Madison on November 7, 1970. In addition to funeral services which were held in Madison, a wake for AIELLO was held in Milwaukee on November 9, 1970. FRANK BALISTRIERI attended this wake.

MI 94-316

On [] MI T-1 advised FRANK BALISTRERI continues to be the "mystery man" as far as the Milwaukee LCN family is concerned. BALISTRERI confides with no one regarding family business, and the general membership of the family is upset with the manner in which he is handling his job as boss of the family. MI T-1 heard BALISTRERI sold the King's IV building to the First Federal Savings and Loan Association and under the terms of the sale can remain in the building for two years and then take all of the equipment out of the building before he moves. MI T-1 said BALISTRERI turned down the first offer, however, accepted a subsequent offer which was \$100,000 more than the initial offer made by First Federal. b7D

On [] MI T-3 advised JOSEPH P. BALISTRERI, the son of FRANK BALISTRERI, remarked during December, 1970, that the King's IV nightclub had been sold to the First Federal Savings and Loan Association. The final provisions of the sale gave BALISTRERI strong borrow power with First Federal for future business ventures. b7D

MI T-3 advised JOSEPH BALISTRERI talked about his father, FRANK BALISTRERI, indicating he was operating like old men back in the 1920's ignoring simple Government rules and regulations which have caused him to be in trouble with local and state Governments over various petty licensing restrictions and things of this nature.

On [] MI T-1 noted that NICK GENTILE, who operates a tavern on 5th Street near Michigan, has been having difficulty with FRANK BALISTRERI over the coin machines in his place of business. BALISTRERI was supposed to loan GENTILE \$1200 which would be paid back through proceeds from the coin machines, this money being needed by GENTILE to pay for his lease; however, BALISTRERI has failed to come up with the money. GENTILE indicated if BALISTRERI would not give him the money, he would try to get it somewhere else. b7D

On [] MI T-4 advised STEVE DE SALVO has been seen frequently within the past two weeks in the company of FRANK BALISTRERI, and it would appear DE SALVO is the heir apparent to the leadership of the Milwaukee LCN family if BALISTRERI goes to jail.

MI T-4 advised [] has been indicating he is short of ready cash due to the fact his money has been tied up in the remodeling of a building near 5th Street on Michigan where he wants to establish a "minnie theater" where he will show questionable films. b6 b7C

MI 94-316

This "minnie theater" will be located in a building near a bookstore he recently opened in the same area. It was MI T-4's opinion that FRANK BALISTRERI and STEVE DE SALVO were given the opportunity to finance [redacted] operation; however, they failed to come up with the necessary money.

b6
b7C
b7D

On [redacted] MI T-2 advised information had been received FRANK BALISTRERI was confined to the Columbia Hospital with either a broken leg or broken foot.

On [redacted] MI T-1 advised JOSEPH BALISTRERI, the father of FRANK BALISTRERI, died of natural causes in Milwaukee on March 3, 1971. His wake was held at the Guardalabene & Amato Funeral Home in Milwaukee on March 4, 5, and his funeral on March 6, 1971. FRANK BALISTRERI attended the wake and funeral for his father while being confined to a wheel chair. He was driven to the funeral home in the back of a van-type truck in his wheel chair by Milwaukee LCN member DOMINIC GULLO. The wake or funeral was attended by LCN members JAMES SCHIAVO and COSMO DI SALVO of the Madison LCN family, BUSTIANO "BUSTER" BALESTRERE, JIMMY BALESTRERE, and JOHN MOLLE of the Kansas City LCN family, PHIL PRIOLA of the Rockford, Illinois LCN family, and virtually the entire membership of the Milwaukee LCN family.

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (92-3116)

DATE: 3/30/71

FROM : *B/6* SAC, CHICAGO (92-414) (P)

SUBJECT: FRANK PETER BALISTRIERI, aka
AR

OO: MILWAUKEE

APPEAL

Re Chicago letter to Bureau dated 1/21/71.

7-3
A review of Docket No. 18223, U. S. Court of Appeals for the Seventh Circuit on March 16, 1971, by SA determined that BALISTRIERI filed a petition for rehearing on January 28, 1971, which was denied by the Court on February 10, 1971.

b6
b7c

On February 19, 1971, the Court of Appeals stayed mandate for 30 days pending petition for certiorari. *a*

Chicago will follow appeal and will advise the Bureau and interested offices.

- 2 - Bureau
- 1 - Milwaukee (Info) (94-316)
- 1 - Springfield (Info)
- 2 - Chicago
- 1 - 92-1839

WMP/eje
(6)

REC-47

92-3116-671

13 APR 2 1971

[Handwritten signature]



317
58 APR 7 - 1971

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

F B I

Date: 4/1/71

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL AIRMAIL
(Priority)

TO : DIRECTOR, FBI (92-3116)

FROM : SAC, MILWAUKEE (94-316) (P)

SUBJECT: FRANK PETER BALISTRIERI, aka
AR

OO: MILWAUKEE

3/24

Enclosed for the Bureau are the original and one copy each of three newspaper articles appearing in the "Milwaukee Sentinel" editions of 3/31; 4/1/71, and "The Milwaukee Journal" 3/31/71 edition, all of which concern the appointment of JOSEPH P. BALISTRIERI, son of FRANK PETER BALISTRIERI, boss of the Milwaukee LCN family, as a Milwaukee County Circuit Court Commissioner.

This matter is being closely followed with _____ informants, and the Bureau will be kept posted of any further developments.

2 - Bureau (92-3116) (Encls. 6) (AM-RM)
2 - Milwaukee (94-316)
DEB/kdb
(4)

ENCLOSURE
3 COPIES ATTACHED

EX. 103

REC-81

92-3116-672

17 APR 3 1971

*3 copies sent to [redacted]
4-5-71 [redacted]*

Approved: _____

Special Agent in Charge

Sent _____

M

Per _____

b7D

b6
b7C

4/1/71 airtel
DIRECTOR, FBI
4/1/71
FRANK PETER BALISTRIERI
E4-316

72-2116-672

(Mount Clipping in Space Below)

Balistrieri's Son Gets Court Post

Circuit Judge Hugh R. O'Connell said Tuesday he had appointed Atty. Joseph P. Balistrieri as a court commissioner.

Balistrieri, son of Milwaukee nightclub operator Frank P. Balistrieri, replaces Atty. Maurice Gorsky, who O'Connell said had resigned last week as one of his two court commissioners.

O'Connell said he had appointed Balistrieri Tuesday and that the required number of signatures of circuit and county court judges had been obtained to approve Balistrieri's appointment.

Fourteen signatures were needed for approval, he said.

O'Connell, former Milwaukee county district attorney, had named his deputy district attorney, Gerald P. Boyle, and Richard Schuster, the former county Democratic chairman, as his two court commissioners as his two court commissioners in 1968. Boyle resigned the following year and was replaced by Gorsky.

O'Connell said Balistrieri has appeared in my court on numerous occasions and has

demonstrated himself to be a fine attorney, and he is a licensed practitioner of law in Wisconsin.

"I have seen his written briefs which demonstrate a fine ability to do research. I think he will make a good commissioner."

Balistrieri's father, Frank, is free on appeal of a 1967 federal income tax conviction for which he was sentenced to two years in prison. His most recent appeal to the U.S. Supreme Court is pending.

Court commissioners, in effect, sit as judges in chambers to conduct preliminary examinations and take depositions to be used in the courts.

(Indicate page, name of newspaper, city and state)

A-7
MILWAUKEE SENTINEL
MILWAUKEE, WIS.

Date: 3/31/71
Edition: FINAL
Author:
Editor: HARRY SO
Title:

Character:
or
Classification:
Submitting Office: MI
☐ Being Investigated

92-3116-1



Balistreri

O'Connell

(Mount Clipping in Space Below)

Mention Frank, You Take On Joey

By WILLIAM JANZ

A few years ago, when he was just out of law school, Atty. Joseph P. Balistreri made one of his first appearances in County Court defending the enterprises of his widely known family.

Sitting in the last row of the courtroom was a state agent who continually snapped Balistreri's picture with a small camera concealed in his hand.

Now, at only 30 years of age, Balistreri has been named a court commissioner, acting as a judge in chambers, by Circuit Judge Hugh R. O'Connell.

Balistreri, known to his friends as Joey Bal, takes as good a picture today as when the agent photographed him.

A handsome man with thick dark hair edging over the high collar of his shirt, he is a walking advertisement for expensive, fashionable clothes.

His father is Frank P. Balistreri, a local nightclub operator who has been sentenced to prison and has long been a subject of interest to state and federal agents.

People in the Courthouse and Safety Building Wednesday recalled the following in discussing Balistreri's appointment:

• Frank P. Balistreri was named as head of the Milwaukee family of the Cosa Nostra, one of 22 such families in the country, according to Sen. John L. McClellan (D-Ark.)

• Last year Joe Balistreri was accused by an assistant United States attorney general of being a cover to conceal certain of his father's business transactions.

• Balistreri is a close friend of Atty. Dominic Frinzi who ran against O'Connell in his judicial race.

• In 1968, O'Connell, then a district attorney, expressed

public concern about a so-called meeting at a Balistreri night spot which included a dozen convicted criminals and 20 persons known to police.

O'Connell, who was then running for election, said the meeting was for "political purposes."

Later Joe Balistreri was incensed by a news story quoting O'Connell and wrote an angry letter in which he said he was present at the so-called meeting but that it was only a St. Joseph's Day party.

O'Connell said Wednesday that he didn't recall the incident.

• Apparently Joe has long wanted to be a commissioner. County Judge John F. Foley said that when he was running for election in 1968 he received a call and was "offered substantial support" in his bid for the judgeship if he committed himself to naming Joe as a commissioner after the election.

He said he refused to do so. He also said he refused several other offers of support from other attorneys in exchange for naming them court commissioner. The judge said he could not remember who called him about Balistreri.

Friendly, Cultured

Young Balistreri has spent much of his legal time in court defending his father's interest. He is an intelligent, friendly, cultured man.

The only time he becomes angry in court is when someone maligns his father. When you mention Frank Balistreri in court, you're taking on Joey.

Last year Joe nearly knocked over a chair in one court when he jumped up shouting at an assistant district attorney who talked about his father and the crime syndicate.

"When the Irish get together," young Balistreri said sarcastically, "you can see an interview

get together, it's to give somebody an award. But when the Italians get together, it's always a meeting of the Mafia."

He maintained that he and his family have been the victim in life of the kind of thing Don Basilio talks about in the Barber of Seville.

"A calumny begins as a little wind in the ear, very softly, very gently," Joey said, "and as it is passed around it gains strength and force and becomes an explosion greater than a cannon shot. The victim of this has no recourse. All he can do is hang his head in public. He is the scourged one."

He added, "Any victim of slander knows what I mean."

Last fall he was asked about the charge that he was a cover for some of his father's business transactions.

"That's totally untrue, that's a lie," he said. "You can see the horrible effect of that on me as a lawyer."

At that time Joey also spoke of the word "Mafia."

"I never heard that word and I was brought up in an Italian family and I spoke Italian," he said. "I never heard that word until I read a book by Ed Reid, 'The Mafia.' I don't know who is responsible for that particular sobriquet but it's around to haunt every Italian."

"You can deny it exists and no one would believe you. There are movies, books, newspaper articles about it and everyone assumes it's in existence. It's titillating to certain people."

Joey's office is the office of a successful young lawyer. It is rich-looking. His desk is a huge half-circle.

When a reporter visited the office a few months ago, there was a blackboard with the following written on it: "In the halls of justice, the only justice is in the halls — Joey Bal."

(Indicate page, name of newspaper, city and state)

A-5
MILWAUKEE SENTINEL
MILWAUKEE, WI

Date: 4/1/71
Edition: FINAL
Author:
Editor: HARRY SON
Title:

Character:
or
Classification:
Submitting Office: MI
☐ Being Investigated

02-3116

Explains Origin

He said he was not referring to local courts but it seemed a strange thought for an attorney who was to become a court commissioner.

Balistrieri explained that he wrote it after he handled a case for a friend who was thrown in jail for kidnaping his own child. By the time Joey got him free the quote meant something to him and the Balistrieris as well as his friend. So he wrote it on the blackboard.

But now the Balistrieris, who have been severely criticized, have an honor most people wouldn't have expected. Son Joey is a court commissioner.

Twenty judges confirmed the appointment. Many of the other ten judges in the county were either unavailable or weren't asked. Only a few said they wouldn't sign.

(Mount Clipping in Space Below)

Joseph Balistrieri Gets Court Job

Circuit Judge Hugh R. O'Connell said Wednesday that he had appointed Atty. Joseph P. Balistrieri as a court commissioner.

O'Connell said he had obtained the necessary 14 signatures of circuit and county judges to confirm his appointment. He refused to disclose the names of the judges who had endorsed Balistrieri. He said their names would be filed with the clerk of Circuit Court later and would become public then.

O'Connell said Balistrieri had "demonstrated excellent qualities as an attorney; I think that is all that is required of a court commissioner."

Balistrieri is the son of Frank P. Balistrieri, a Milwaukee nightclub operator who is appealing a two-year sentence for income tax evasion.

O'Connell took the bench in 1968, after a bitter election fight with Atty. Dominic Frinzi, who had frequently represented Balistrieri's father. O'Connell had been district attorney from 1964 to 1968. Before that he served as first assistant district attorney under William J. McCauley and was one of McCauley's two experts on organized crime.

Joseph Balistrieri is a 1958 graduate of Marquette University High School and graduated with a bachelor of arts degree from Notre Dame University in 1962. He graduated from the University of Wisconsin Law School in 1967.

Balistrieri recently was involved in a dispute over the will of an 85-year-old widow.

Drafted Will

Atty. Robert Beaudry represented the widow, Mrs. Evelyn Komarr, who left her \$40,000 estate to Beaudry, and excluding from it her only son, Balistrieri testified during the dispute that Beaudry hired him to draft the will for Mrs. Komarr, who could not read or write. Balistrieri said Beaudry told him that he "believed he would be a beneficiary."

Balistrieri testified that after he drafted the will and read each paragraph to Mrs. Komarr he placed his hand on her's as she made Xs to sign the document.

Balistrieri's sister, Benedetta, witnessed the drafting.

The will was later ruled invalid by the State Supreme Court, which ruled that Beaudry had exercised undue influence on Mrs. Komarr. The Board of State Bar Examiners brought disciplinary charges against Beaudry and a referee recommended that the high court severely reprimand Beaudry.

As a court commissioner, Balistrieri will hear testimony that might later be used in court cases. The work is entirely civil in nature. He will have no jurisdiction in criminal cases.

Dist. Atty. E. Michael McCann declined to comment on the Balistrieri appointment. Members of his staff, however, privately expressed criticism.

O'Connell was asked his reaction to criticism of the appointment and responded:

"I did what I think is proper and right. Anyone else is entitled to the same prerogative."

"I have judged people by their own qualities and abilities and that's what I did in this case. I have never believed in guilt by association."

(Indicate page, name of newspaper, city and state)

A-3
THE MILWAUKEE
MILWAUKEE, WI

Date: 3/31/71
Edition: LATEST
Author:
Editor: RICHARD
Title:

Character:
or
Classification:
Submitting Office: MI
☐ Being Investigated

92-3116

NR003 MI PLAIN

742PM NITEL 5/4/71 LRK

TO DIRECTOR

FROM MILWAUKEE 94-316

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

MAY 4 1971

TELETYPE

Mr. Tolson	_____
Mr. Sullivan	_____
Mr. Mohr	_____
Mr. Bishop	_____
Mr. Brennan	CD
Mr. Callahan	_____
Mr. Casper	_____
Mr. Conrad	_____
Mr. Felt	_____
Mr. Gale	_____
Mr. Rosen	_____
Mr. Tavel	_____
Mr. Walters	_____
Mr. Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

FRANK PETER BALISTRIERI; AR; OOMILWAUKEE.

USA DAVID J. CANNON ADVISED TODAY ON MAY THREE LAST THE U.S. SUPREME COURT REFUSED TO HEAR SUBJECT'S SECOND APPEAL OF HIS NINETEEN SIXTYSEVEN INCOME TAX EVASION CONVICTION. THE COURT'S REFUSAL WAS UNANIMOUS WITH JUSTICE MARSHALL TAKING NO PART IN CONSIDERATION OR DECISION.

CANNON ADVISED THE COURT'S ACTION COULD MEAN BALISTRIERI WOULD BEGIN SENTENCE AS SOON AS MANDATE FROM THE COURT IS RECEIVED AT THE USA'S OFFICE.

CANNON ADVISED BALISTRIERI COULD FILE A MOTION IN FEDERAL COURT FOR REDUCTION OF SENTENCE OR COULD FILE FOR A REHEARING BY SUPREME COURT WITHIN TWENTYFIVE DAYS. CANNON ADVISED UNLESS THERE ARE SOME UNFORESEEN MOTIONS, BALISTRIERI WOULD PROBABLY BEGIN SENTENCE SHORTLY AFTER MANDATE ARRIVES AT MILWAUKEE.

THE BUREAU WILL BE ADVISED OF PERTINENT DEVELOPMENTS.

END

E BR FBI WASH DC

FOR TWO

56 MAY 11 1971

REC-47 92-3116-673

MAY 5 1971

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (92-3116)

FROM : SAC, CHICAGO (92-414) (P)

SUBJECT: FRANK PETER BALISTRIERI, aka
AR

DATE: MAY 10 1971

OO: MILWAUKEE

APPEAL

Re Chicago letter to the Bureau dated 1/21/71.

A review of Docket No. 18223, U. S. Court of Appeals for the Seventh Circuit on April 30, 1971, by SA [redacted] determined that on February 19, 1971, the Court stayed issuance of mandate for 30 days.

b6
b7c

On March 16, 1971, Court filed a notice of the U. S. Supreme Court of filing a petition for certiorari, No. 1455, by BALISTRIERI on March 11, 1971.

For the information of WFO, a prime issue in this case is electronic eavesdropping by the FBI, the accessibility of "airtels" and the FBI procedure in handling of tapes and logs. WFO will follow BALISTRIERI's petition for writ of certiorari and will advise the Bureau, Milwaukee, Springfield and Chicago.

- 2 - Bureau
- 2 - Milwaukee (94-316)
- 2 - Springfield (92-)
- 2 - WFO (92-)
- 2 - Chicago
- 1 - 92-1839

WMP/eje
(10)

EX-103

REC-41

92-3116-674

1 MAY 12 1971



5010-106-01

57 MAY 17 1971

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

F B I

Date: May 27, 1971

Transmit the following in _____

(Type in plaintext or code)

via AIRTELAIR MAIL

(Priority)

TO : DIRECTOR, FBI (92-3116)

FROM: SAC, MILWAUKEE (94-316) (P)

FRANK PETER BALISTRIERI, aka
AR
OO - Milwaukee

Enclosed for the Bureau are two copies each of a motion to modify and reduce sentence, and a motion for stay of execution of sentence filed in U. S. District Court, Springfield, Ill., 5-21-71, in the Subject's income tax evasion conviction.

Copies of these motions were received at the U. S. Attorney's Office, Milwaukee, on 5-24-71. It is noted no date has been set for hearings on these motions.

Bureau is requested to forward a copy of each of these motions to Departmental Attorney handling civil suits by BALISTRIERI against former Bureau Agents.

2 - Bureau (Enc. 4) (Air Mail)
2 - Milwaukee (94-316)
DEB:mcs
(4)

b6
b7c

REC-34

92-3116-675

25 MAY 31 1971

Approved: _____ Sent _____ M Per _____

Special Agent in Charge

Enclosures to Bureau (92-3116)

2 copies each

Motion to Modify and Reduce Sentence

Motion for Stay of Execution of
Sentence

92-3116-675

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

FRANK PETER BALISTRIERI,

Defendant.

CR. NO. 6602

65-CR-9 (ED Wisconsin)

N O T I C E

TO: Hon. David J. Cannon
United States Attorney
U. S. Courthouse
Milwaukee, Wisconsin 53202

PLEASE TAKE NOTICE that I have, on this 20th day of May, 1971, filed with the Clerk of the United States District Court for the Southern District of Illinois, a Motion to Modify or Reduce Sentence Pursuant to Rule 35, F.R.Cr.P., and Motion for Stay of Execution of Sentence Pending Hearing and Determination of Motion to Modify or Reduce Sentence, copy of which Motions are attached hereto.

MAURICE J. WALSH, One of the
Attorneys for Defendant.

29 South LaSalle Street
Chicago, Illinois 60603
(312) 332-7374

CERTIFICATE OF MAILING

I hereby certify that I have served the foregoing Notice and Motions of the Defendant-Balistrieri by placing same in an envelope, properly addressed to Hon. David J. Cannon, U. S. Attorney, U. S. Courthouse, Milwaukee, Wisconsin 53202, with sufficient U. S. postage affixed to the envelope, and same deposited in the receptacle for U. S. Mail located at 29 South LaSalle Street, Chicago, Illinois on the 20th day of May, 1971.

Maurice J. Walsh
MAURICE J. WALSH

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

FRANK PETER BALISTRIERI,

Defendant.

CR. NO. 6602

65-CR-9 (ED Wisconsin)

MOTION TO MODIFY OR REDUCE SENTENCE
PURSUANT TO RULE 35, F.R.Cr.P.

Now comes the defendant, FRANK PETER BALISTRIERI, and, within the time provided under Rule 35 F.R.Cr.P., moves the Court for an order modifying or reducing the sentence heretofore imposed upon him in this case.

On September 18, 1967, the defendant was sentenced "to the custody of the Attorney General for a period of two (2) years on Count Two (2) and two (2) years on Count Three (3), said sentence on Count Three (3) to run concurrently with sentence on Count Two (2), a total sentence of two (2) years. Defendant may become eligible for parole at such time as the Board of Parole may determine pursuant to Section 4208(a)(2) of Title 18, U.S.C. Defendant to pay a fine to the U.S. in the sum of \$5,000.00 on Count Two (2), and a fine of \$5,000.00 on Count Three (3), a total fine of \$10,000.00, and the costs of this prosecution, the Clerk to tax costs upon presentation of cost bill by the U. S. Marshal, costs fixed at \$4,670.40, and in default of the payment of said fine and costs defendant shall stand committed until said fine and costs are fully paid as

provided by law."

This sentence was appealed, and the Supreme Court of the United States remanded the case to the District Court for consideration of further eavesdropping matters, and upon that hearing, additional newly discovered evidence was submitted to the Court on a motion for new trial, which was denied. Appeal from the re-sentence imposed at that hearing resulted in affirmance by the Court of Appeals and a denial of a Petition for Certiorari by the Supreme Court of the United States.

This Motion for Reduction Or Modification under Rule 35, F.R.Cr.P. is brought within 120 days of the said denial of Certiorari.

It is respectfully represented that since the date of the sentence in this case, the defendant, FRANK PETER BALISTRIERI, has suffered very substantial financial reverses in the operation of his business and employment, and has been the victim of overwhelming ill health.

The substantial fines and costs imposed upon the defendant, as hereinabove described, are excessive in the light of the defendant's present circumstances and his economic ability to pay.

However disadvantaged the defendant may be economically, the diseases and physical accidents which have afflicted the defendant since the entry of sentence are indeed disastrous.

Although at the time of the pre-sentence investigation the defendant suffered from asthma and a suspected heart condition, which was taken into consideration by the Court in entry of sentence, the conditions of health have become so seriously impaired that the defendant is impelled to respectfully request the Court to modify his sentences on the respective counts to probation. In 1969, the defendant was involved in an automobile accident, and subsequent to that time, has developed several acute diseases which have been diagnosed and treated by medical doctors, among which are diabetes, heart disease, and cerebral vascular arteriosclerosis.

On February 6, 1971, the defendant's father was admitted to a Milwaukee hospital in cardiac failure, from which he died on March 3, 1971. This imposed great emotional strain upon the defendant, and his heart disease became acute. On February 27, 1971, this heart failure caused him to fall, in which fall he suffered a severe fracture of the left ankle joint, with a fracture of the distal end of the fibula. This has caused the defendant to be confined in the hospital for an extensive period, and subsequent thereto, he is mobile on crutches but subject to careful study and medication for his diabetic and coronary condition. The chronic asthma of many years' existence has become more acute with this deterioration

of the defendant's physical condition and requires current medical care. The defendant suffers the usual depressive emotional state consistent with coronary failures.

It is respectfully urged that the defendant's serious physical disabilities, accompanied by mental depression, should be ground for this Court to exercise its discretion and mercy by modifying the sentences herein imposed to a period of probation. It is respectfully suggested that the offenses for which the defendant was convicted are attempted evasion of income tax, and that the history of recidivism or repetition of the offense is almost non-existent, and there have been few second prosecutions for attempted income tax evasion. Some judges and some districts, in almost all cases, impose probation and/or fines as adequate punishment for this offense. The Court might bear in mind the loss of civil rights accruing by way of this conviction, which is a serious punishment to this defendant because many enterprises of the type in which he is engaged require licenses, and he, as a result of the finality of this conviction, will become ineligible for such licenses, regardless of the punishment imposed by this Court.

There are attached hereto Exhibits A through E, which are medical reports by doctors who have attended Mr. Balistrieri through his illnesses and accidental injuries.

WHEREFORE, it is respectfully requested that this Court

modify or reduce the sentence herein.

FRANK PETER BALISTRIERI, Defendant,

By:

MAURICE J. WALSH,
One of His Attorneys.

29 South LaSalle Street
Chicago, Illinois 60603
(312) 332-7374

Re: Frank P. Balistrieri

December 4, 1969

In reviewing the above situation, I would say that as far as the cardiac condition is concerned, Mr. Balistrieri should be closely observed, and if he continues to have chest pains, coronary arteriography should be considered to definitely determine the possibility and extent of coronary heart disease. It is difficult at this time to predict how soon this would have to be performed, but I feel that any undue strain, physical or emotional, would do nothing but aggravate the condition. As far as the diabetes is concerned, he will be tried on diet and if this does not suffice, then some form of hypoglycemic medication, either oral or by injection, will be considered. As far as the liver is concerned, he has been instructed as to diet and the importance of complete alcoholic abstinence.

I feel that at the present time we could summarize that Mr. Balistrieri is suffering from:

1. Possible ischemic heart disease.
2. Diabetes mellitus.
3. Chest pain, with possible angina pectoris.
4. Hepatic dysfunction.
5. Hiatus hernia.
6. Diverticula of descending colon.
7. Degenerative arthritis of the cervical spine.
8. Bronchial asthma.

With the above conditions and findings in mind, and in all due respect to Mr. Balistrieri's physical condition, it is my opinion that incarceration would probably do nothing but increase the severity of his condition.

In addition to the above, Mr. Balistrieri has been under my care for the past eight years for bronchial asthma, at times severe enough to require emergency attention in the form of injections both at his home and in my office.

Sincerely,

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DSA:mgd

6815 WEST CAPITOL DRIVE
MILWAUKEE, WISCONSIN 53216
PHONE 466-8660

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December 4, 1969

To Whom It May Concern:

Mr. Frank P. Balistrieri was seen by me on November 12, 1969 as a result of having been in an automobile accident on November 11, 1969, and the examination at that time revealed marked cervical tenderness. He had difficulty in moving his head and neck, and there was pain radiating down the back of his neck across both shoulders.

Because he did not respond to conservative treatment, and because he complained of pain in the chest and epigastric region, he was admitted to Mt. Sinai Hospital on November 16, 1969 and remained there until November 26, 1969. He was admitted for the purpose of receiving considerable physical therapy to the involved areas and to further evaluate his condition. X-ray examinations of the cervical spine revealed degenerative arthritis of c5 and c6 which was aggravated as a result of the accident. This could account for the pains in his neck and shoulders. Because he complained of the chest pain, an electrocardiogram was done on November 18, 1969, and the diagnosis was complete right bundle branch block with probable myocardial damage. A repeat cardiogram on November 20th showed a more rapid sinus rate, plus the above changes, and repeat cardiograms on November 21st and November 22nd remained constant. The chemical enzymes which usually are elevated in myocardial involvement showed elevation on November 17th and on November 20th. The SGOT was 95 and the LDH was 335, which are quite abnormal. In view of these above findings I felt that intensive physical therapy could not be given at the present time. Because of his epigastric distress, an x-ray of the stomach was taken on November 20th, and he was found to be suffering from a hiatus hernia, and an x-ray of the colon revealed multiple diverticula of the descending colon. On November 18th a chest x-ray was taken which showed small linear infiltrates of both upper lobes with left apical thickening, which probably could have been an old tubercular lesion. He stated that when he was about 15 or 20 years old he had what he thought to be "attacks of pneumonia." A tuberculin skin test was done and the results were positive, and it is my feeling that he should be placed on INH therapy for at least one year. In the routine blood examinations on November 17th the blood sugar was found to be 125 milligrams (normal being 70 to 120.) On November 20th a two hour post-perandial examination was 182 milligrams, and on November 25th a glucose tolerance test was done which was conclusive for diabetes mellitus. The results were as follows: In the beginning, 160 and the urine negative; one hour, 240 and urine 4 plus; two hours, 152 and urine 4 plus; and 3 hours, 100 and urine trace. The liver functions were also slightly elevated. The zinc turbidity was 8.3, and the Cephalin Flocculation test was 2 plus in 24 hours, and 3 plus in 48 hours. With the history of his alcoholic consumption, it is possible that he could be suffering from an early cirrhosis of the liver.

[REDACTED]
6815 WEST CAPITOL DRIVE
MILWAUKEE, WISCONSIN 53216

PHONE 444-8446

April 30, 1971

To Whom It May Concern:

Re: Frank P. Balistrieri

Subsequent to my report dated December 4, 1969, I will state that Mr. Balistrieri has been under my care for treatment of his cardiac, diabetic and asthmatic conditions. He has been on Peritrate and nitro-glycerine for relapse attacks of angina, which had become more and more pronounced, as well as on a diabetic diet for systematic treatment of his asthmatic condition.

In October of 1970, I was called to his home about 6:30 A.M. because he was found on the floor next to his bed. He evidently attempted to get out of bed to go to the bathroom, when he states, "he blacked out", fell down, and bumped the left arm and leg. He suffered involuntary movements of the bowels and bladder, and was unable to move the left arm and leg. He was not transferred to a hospital because of the unavailability of beds, and because he was relatively alert, I decided to treat him at home with medication and physical therapy, in the form of active and passive exercises. After about four weeks he was able to move freely about but with some weakness still persisting. I felt that he suffered from acute cerebral anoxia, resulting from inadequate coronary arterial circulation.

On February 6, 1971, Mr. Balistrieri's father was admitted to Mt. Sinai Medical Center, in cardiac failure, from which he subsequently died on March 3, 1971. During this period of time the emotional strain was so great that Mr. Balistrieri had to considerably increase the use of nitro-glycerine because of increased intensity and frequency of pain in the chest, to the point where at times he was unable to walk any appreciable distance, and at times describing his chest "being in a vice."

On February 27, 1971, while walking outside, he blacked out, fell down, and the next thing he remembered was that his left ankle was markedly swollen and twisted, and he was subsequently taken to Columbia Hospital, where it was found that he had suffered a severe fracture dislocation of the left ankle joint, with a fracture of the distal end of the fibula, and after reduction of the above, he was placed in a full-length, non-weight bearing cast. The reason he remained a patient at Columbia Hospital was because the orthopedic surgeon on emergency call felt that it was imperative to do an immediate reduction of the fracture and dislocation because of the severity of the condition.

While at Columbia Hospital [REDACTED] a cardiologist, was called in to see Mr. Balistrieri to care for his cardiac condition, and he too felt that he was suffering from coronary artery disease.

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April 30, 1971

He left the hospital on March 5, 1971, and on March 7, 1971 I was called to his home because of his complaint of severe chest pain, becoming progressively worse, with radiation into the left arm, as though his chest again "was in a vice." He stated he felt as though he "blacked out" in a cold sweat. The heart tones were weak and distant, and because nitro-glycerine and Demerol would not relieve the pain, I felt that he should be admitted to Mt. Sinai Medical Center at that time.

While in the hospital he required considerable amounts of medication for the pain in the form of Peritrate and Demerol, and at times the pains were so intense that not even the medication relieved it. The electrocardiograms revealed intra-ventricular conduction defects, consistent with complete right bundle branch block, and left anterior hemi-block. It was felt that the cardiograms compared to the ones taken in 1969, which were suggestive of septal changes or possibly a right heart event. A Vector cardiogram was done, which revealed a definitely abnormal study, with marked right bundle branch block, with some intra-ventricular conduction defects, which would almost constitute a complete heart block.

While a patient at Mt. Sinai, [redacted] a cardiologist, was called in on consultation, and he felt that even though no demonstrable coronary involvement could be found, Mr. Balistreri was suffering from acute coronary insufficiency, without demonstrable myocardial infarction, and it was felt that there is a great possibility that this patient will suffer from acute coronary heart disease, particularly if his emotional tensions continue as they have.

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His orthopedic condition was followed by [redacted] an orthopedic surgeon, and as of the date of this report the foot is still very swollen and very painful, particularly when dependent, and so it is difficult for him to bear weight. He has been receiving diathermy treatments to the ankle three times a week in my office. He can only get around with crutches, and because of his cardiac status, the strain of using crutches aggravates the chest pain approximately 50%, and more nitro-glycerine must be used. This is greatly impeding his activity and recovery, and I feel it will do so for at least another four to six months.

At the time of his dismissal from Mt. Sinai on March 27, 1971 he was taking Isordal (10 mgs. four times daily); Librium (10 mgs. three times daily); and Demerol (100 mgs. orally for pain). In addition to the above he is continuing with nitro-glycerine, and his cardiac status is being followed quite closely, as I feel he will have to be under constant treatment for the rest of his life. It is felt that if Mr. Balistreri's condition continues as such that a coronary arteriography might be considered for definite diagnosis as to the condition of the coronary vessels.

I feel that with the above findings and conditions in mind that incarceration at this time could conceivably cause an aggravation of his cardiac status, and could hasten the possibility of an acute coronary attack. I also feel that if he is incarcerated, he will become a physical burden upon those people involved, as both the physical and emotional strain involved may precipitate many angina attacks as well as possible coronary attacks, and require him to have constant special care.

DSA:mgd

NOTARY PUBLIC

MILWAUKEE COUNTY

Dud L. Bush

May 7th 1971

MY COMMISSION EXPIRES 5/31/71

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MILWAUKEE ORTHOPAEDIC GROUP, LTD.

JOSEPH R. STONE, M.D.
LOUIS KAGEN, M.D.
PAUL A. JACOB, M.D.
GARY N. GUTEN, M.D.

May 7, 1971

949 NORTH 12TH STREET
MILWAUKEE, WISCONSIN 53233
PHONE: 342-8120

TO WHOM IT MAY CONCERN:

Re: Frank Balistrieri

Mr. Frank Balistrieri sustained a transmetatarsal dislocation at the talo-navicular and subtalar joints, with a fracture, on 2/27/71. A cast was applied and it remained in place for 3 weeks.

The patient continues to have swelling of the left ankle, and foot, with considerable osteoporosis. He is, as yet, disabled from this injury. I would anticipate a period of temporary total disability of 4 to 6 months for this injury.

LK:hh



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b7c

1212 WEST WISCONSIN AVENUE
MILWAUKEE, WIS. 53222

May 10, 1971

TO WHOM IT MAY CONCERN:

re: Frank Balistreri

Mr. Balistreri was first examined by me in November, 1969, at the request of [redacted]. At that time he apparently had a two year history of precordial discomfort associated with stair climbing. The pain was described as short, jabbing precordial discomfort occasionally radiating into the right shoulder and down the right arm, occasionally into the left arm, and occasionally into the anterior portion of the neck. He had some shortness of breath, with the above pains. At the time of his original hospitalization he apparently had severe precordial distress, radiating into the epigastric and right shoulder areas associated with marked fatigue, weakness, diaphoresis, and near syncope. He apparently was hospitalized at Mt. Sinai Hospital in March, 1971, for convalescence relative to a fractured leg. At that time he gave further history of precordial pains associated with effort. On one occasion in the hospital he had a severe episode of precordial pain which was associated with transient electrocardiographic changes compatible with ischemia. The final diagnosis appears to be that of (1) chemical diabetes, (2) ischemic heart disease manifested by the anginal syndrome, right bundle branch block, (3) cerebral vascular arteriosclerosis with transient hemiparesis by history.

There appears to be a little question that this patient indeed has the anginal syndrome, due to arteriosclerotic cardiovascular disease, and probably cerebral vascular arteriosclerosis as well. In my opinion, a prolonged period of incarceration would have a rather marked deleterious effect on Mr. Balistreri's condition, because of the physical and the emotional stresses involved.

Sincerely,

RPS:mjb

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"E"

[REDACTED]
SUITE 215 - MILWAUKEE CENTRAL BLDG.
836 NORTH 12TH STREET
MILWAUKEE, WISCONSIN 53223

b6
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May 10, 1971

RE: Frank Balistrieri

To Whom It May Concern:

The above patient was seen in consultation at Columbia Hospital on February 27, 1971 in regard to cardiovascular status. History available at that time revealed that this patient had experienced some type of syncopal episode while walking following which he regained consciousness at which time he was diagnosed as having a fractured left ankle. The patient also had previously documented episodes of the same. The patient also gave a classical history of coronary insufficiency responding promptly to use of nitroglycerin. Further history and diagnostic studies at Columbia Hospital revealed evidence of uncontrolled diabetes mellitus, moderately severe hypertension, chronic coronary insufficiency and as well as x-ray evidence of pulmonary scars consistent with healed tuberculosis. It was felt that the recurrent syncopal episodes were consistent with advanced cerebrovascular insufficiency. Following discharge from Columbia Hospital the patient was later admitted to Mount Sinai Hospital for further evaluation and treatment of the above medical problems.

Sincerely yours,

[REDACTED]

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b7C

LPW/hj

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

FRANK PETER BALISTRIERI,

Defendant.

CR. NO. 6602

65-CR-9 (ED Wisconsin)

MOTION FOR STAY OF EXECUTION OF SENTENCE
PENDING HEARING AND DETERMINATION OF
MOTION TO MODIFY OR REDUCE SENTENCE
PURSUANT TO RULE 35, F.R.Cr.P.

Now comes the defendant, FRANK PETER BALISTRIERI, and moves the Court to stay execution of the sentence herein pending the final order of this Court in disposition of his Motion for Modification or Reduction of Sentence under Rule 35, F.R.Cr.P.

In support of said motion, the defendant respectfully represents that he is presently suffering severe illnesses and is recovering from broken bones in his leg and foot which compel him to use crutches and severely restrict his ability to travel and to rest properly. The treatment of the said broken bones requires additional therapy which will not be completed for a substantial period of time, and it is now requested that this Court stay execution of sentence herein

until the defendant has presented and is heard upon his Motion to Modify or Reduce Sentence, and the Court has entered its final order thereon.

FRANK PETER BALISTRIERI, Defendant,

By:

MAURICE J. WALSH,
One of His Attorneys.

29 South LaSalle Street
Chicago, Illinois 60603
(312) 332-7374

(Mount Clipping in Space Below)

Balistreri Will Appear in Bar Ownership Probe

By Alex P. Dobish
of The Journal Staff

Frank P. Balistreri, who went to prison 19 days ago, will be brought back here to be premier witness in a federal grand jury inquiry starting Monday.

The jury reportedly will investigate concealed multiple tavern ownership here. It has been investigating gambling in Kenosha and its links with organized crime.

Tax Evasion

Loren Daggett, warden of Sandstone Federal Prison, Sandstone, Minn., confirmed Thursday that Balistreri had been subpoenaed to testify by a US Justice Department Organized Crime Strike Force, headed by Michael H. King of Chicago.

Balistreri is serving a year and a day for income tax evasion. He is scheduled to testify before the grand jury Tuesday.

However, there may be a delay. Daggett said: "Balistreri has been trying to get health problems since he came here."

The warden said a doctor would examine the 53 year old former Milwaukee nightclub operator to evaluate what he called Balistreri's "claims of illness." Balistreri complained of hypertension when he was sentenced.

The grand jury is expected to hear evidence presented by special agents of the Internal Revenue Tobacco and Alcohol Tax Division concerning form No. 11.

Ownership Form

That form is the "business ownership" form that must be filed to enable the government to determine whether it is assessing taxes against the right person. Owners and operators of certain business, among them taverns, are required to file.

Committing perjury in filing is punishable by up to three years in prison and a \$5,000 fine.

Last year an assistant US attorney, in an affidavit entered into court records, said Balistreri operated six Milwaukee night spots "in most of which his interest is concealed by having the licenses held in the

Turn to Probe, page 8, col. 3

name of relatives and associates."

The affidavit said Balistreri used his son, Joseph, an attorney who has been appointed a court commissioner by Circuit Judge Hugh R. O'Connell, as a cover to conceal the elder Balistreri's financial transactions.

Also Subpoenaed

Joseph Balistreri, who has denied the allegations in the affidavit, is among witnesses subpoenaed by the grand jury.

Although some persons who appeared as witnesses have been charged and convicted of crimes, being called as a wit-

ness does not mean a person is suspected of wrong doing. Witnesses are called to give information.

Calhoun to Appear

Subpenas also have been issued for Joseph Balistreri, the son of Peter F. Balistreri, brother of Frank P.; Angelo DiGiorgio, who was recently acquitted of a commercial gambling charge after the disappearance of a key witness; Miss Jennie Alioto, bookkeeper for enterprises linked to Frank P. Balistreri; Miss Susan Bartfield, a hostess and entertainment booker for several of the same night spots, and Peter Gaudesi, the current licensee of the Kings IV club, 720 N. Water St.

Ald. Allen R. Calhoun said he had been subpoenaed to appear Wednesday as chairman of the Common Council's Licenses-Rules Committee. The committee issues tavern licenses.

Calhoun said Treasury Department men interviewed him Monday about license matters and taverns said to be run by Balistreri and his associates. He said they also asked him about how the committee operates.

A labor leader, whose identity could not be confirmed, also was expected to be subpoenaed.

Linked to Club

Kings IV is a factor that most of the witnesses have in common. Joseph Balistreri, Frank's son, owns the building. DiGiorgio is the former licensee of the tavern. Miss Alioto is its bookkeeper.

Miss Bartfield, a hostess at the club, is a key member of the Balistreri organization. Joseph, Peter Balistreri's son, who recently was found guilty of sales tax fraud in connection with another night spot, worked at Kings IV.

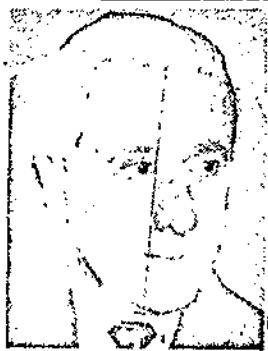
Government attorneys speculated on what Frank Balistreri would do when asked to testify.

If he refuses under the 5th Amendment to avoid self-incrimination, he could be granted immunity from prosecution. If he then refuses to testify, he could be cited for contempt.

Under such circumstances a

Judge could sentence Balistrieri to a longer term than he must serve for tax evasion, or it could prevent his consideration for parole.

Balistrieri will be eligible for parole in four months. If parole is refused and he is a model prisoner, he will be discharged after serving 294 days of his 366 day term. A refusal to testify could affect both.



Frank P. Balistrieri

(Mount Clipping in Space Below)

Balistreri Must Appear Before Jury, Judge Rules

By John G. Shaver
of The Journal Staff

The son of Frank P. Balistreri, claiming that his father's health was at stake, tried unsuccessfully late Friday to obtain a Federal Court order blocking Balistreri's appearance before a federal grand jury here.

Balistreri, 53, now serving a year and a day in Sandstone (Minn.) federal prison for income tax evasion, has been subpoenaed to appear Tuesday before the jury.

The grand jury is expected to hear evidence concerning multiple ownership of taverns here and possible tax consequences for Balistreri and his associates.

"Not Going Anywhere"

Balistreri's son, Joseph, an attorney, filed a last minute motion with Federal Judge John W. Reynolds, contending that to bring his father here from Sandstone could seriously damage his health.

In a hearing in Reynolds' chambers, the son charged that federal officials were bringing his father here to "hold Mr. Balistreri up to public scorn."

He contended that there was no reason why federal agents could not question his father at Sandstone Prison. "He's not going anywhere," the son said.

The younger Balistreri, who also has been subpoenaed to appear before next week's grand jury, presented a physician's affidavit that said Balistreri was suffering from "arteriosclerotic cardiovascular disease with anginal syndrome." It said Balistreri had suffered "at least one instance of acute coronary insufficiency."

The affidavit of Dr. Robert P. Saichek, identified as a Milwaukee specialist in internal medicine and cardiology, said the trip here would be "definitely harmful medically" to Balistreri.

The trip, Saichek's affidavit said, could be a "precipitating factor in the onset of acute coronary problems." The affidavit said Saichek had been seeing Balistreri since Nov. 22, 1969.

The son, who asked Reynolds to conduct a hearing into whether it would be hazardous

to his father's health to bring him here, questioned whether it was "worth the risk of a man's life to comply with a subpoena."

No Hazard Seen

Michael H. King, a Chicago attorney with the Justice Department's organized crime strike force, said prison officials told him that Balistreri's health would not be damaged.

"They have assured me today that there is no medical reason in their judgment for not bringing him in," King told the judge.

King, who is heading the grand jury investigation, said prison officials were in a "better position" to judge Balistreri's health. He pointed out that Saichek's affidavit gave no indication of what he examined Balistreri.

The younger Balistreri challenged the subpoena, contending that it was to "humiliate, embarrass and otherwise harass" his father.

He said his father would be held up to scorn and ridicule because it "would necessitate a public appearance in restraints."

King said Balistreri was not being brought to Milwaukee "for purpose of harassment or embarrassment but for a substantial purpose before the grand jury."

Reynolds denied the son's request, saying he lacked the authority to bar Balistreri's appearance.

The judge said the care of a prisoner was a matter solely of the warden, and it was up to the warden whether Balistreri was able to travel.

The grand jury, which is expected to meet all next week, reportedly will hear evidence from agents of the Internal Revenue Tobacco and Alcohol Tax Division concerning business ownership forms required to be filed with the government. The forms are used in determining whether taxes are assessed against the right persons.

Subpenas have been issued for about 30 persons, including two relatives of Balistreri and several associates, to appear next week before the grand jury.

(Mount Clipping in Space Below)

Ex-Bartender for Balistrieri Testifies

By Alex P. Dobish
of The Journal Staff

A Cudahy alderman, Frank L. Chovanec, who formerly worked for nightclubs linked with Frank P. Balistrieri, testified before a federal grand jury Monday afternoon.

Chovanec said he was questioned about what he knew about the operation of the Kings IV nightclub — "and that's it." The night spot at 720 N. Water St., is licensed to Peter Gaudesi. The building is owned by Balistrieri's son, Joseph, an attorney.

Frank Balistrieri, 53, was driven here by car Monday afternoon from Sandstone Federal Prison in Minnesota, where he is serving a sentence for income tax evasion.

The grand jury is investigating possible perjury in connection with the filing of certain affidavits connected with tavern operations. The government contends that Frank Balistrieri has owned several taverns through various funds.

Had Various Jobs

"I booked talent for Kings IV and they wanted to know about it," Chovanec said.

Between 1963 and 1970 Chovanec held various jobs with taverns linked to Frank Balistrieri, according to his testimony.

He now manages the Country Maid Inn (formerly Victory Hall), 8665 E. Grange Ave., Cudahy. He worked as a bartender and a booker of musical acts at the old Gallagher's on 3rd St., then owned by Frank Balistrieri.

Subsequently Chovanec ended bar at The Scene, later under investigation by Wisconsin Atty. Gen. Robert Warren.

Hearing Evidence

Being called to testify before a grand jury is not an indication that a witness is suspected of wrongdoing. A grand jury tries to determine whether a crime has been committed.

The jury is currently hearing evidence accumulated by United States Justice Department investigators into organized crime.

Joseph Balistrieri, whom the government has charged was

used as a front in Frank Balistrieri's business dealings, accompanied two of the witnesses.

They were Al Guerera, a bartender at Kings IV, and another Joseph Balistrieri, Frank's nephew, worked at Kings IV. He recently was found guilty of state sales tax fraud in connection with the operation of another night spot.

Atty. Joseph Balistrieri refused to say whether he was with his cousin and Guerera as a lawyer or a friend. Attorneys are not allowed to accompany clients into the grand jury room.

Another witness Tuesday was Sam Fein, a partner in Fein Bros., 2007 N. 3rd St., restaurant equipment suppliers. Fein was questioned, he said, about a \$360 debt owed him by Kings IV.

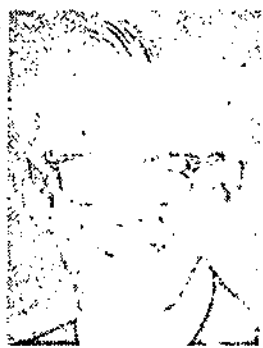
The jury's investigation is continuing.

(Mount Clipping in Space Below)

Grand Jury Hears Teamster Ranney

By Alex P. Dobish
of The Journal Staff

Frank H. Ranney, secretary-treasurer of Teamsters Local 200 and a trustee of the union's \$800 million Central States Pension Fund, testified



Frank H. Ranney

in secret before a federal grand jury here Thursday afternoon.

He was behind closed doors for about 15 minutes, interrupting his testimony twice to leave the room to confer with Atty. David L. Uelmen.

Attorneys are not allowed to be with clients while they are being questioned by federal prosecutors or jurors.

For Ranney's appearance, as well as for the testimony of two other unidentified teamster members earlier, the government called in Atty. Peter Vaira, Chicago, a labor specialist with the US Justice Department's Organized Crime Strike Force, which is conducting the inquiry.

Got Earlier Indictment

Vaira earlier this year obtained an indictment against the president of the International Barbers Union and two other officials in Indianapolis on charges that they received kickbacks on loans they approved from their pension fund.

Ranney, Uelmen and Raymond J. Fularczyk, a Local 200 member, refused to comment when they left the Federal Building, where the jury is sitting. Uelmen is an associate of David Previant, chief labor attorney for the Teamsters Union.

Vaira and other government prosecutors declined to comment on the jury proceedings or whether Ranney might be recalled.

It couldn't be determined if Ranney answered all questions or if he declined and was offered immunity from prosecution.

Shortest Appearance

Ranney was before the jurors for the shortest time of any of the teamster witnesses. One of the unidentified men had appeared for an hour and the other for 30 minutes.

If Ranney had been offered immunity to testify after declining to answer, the government would have to petition for immunity in open court before a federal judge.

In answer to questions from a reporter, US Atty. David J. Cannon said that if a decision had been made to grant immunity, newsmen would not know of it immediately. There would be a delay before the public court appearance because the US attorney general in Washington would have to approve any such request.

This presumably would take several days.

No Indication of Crime

Being called to testify is not an indication that a witness is suspected of wrongdoing. The grand jury tries to determine if there is evidence to indict for a crime.

The jury started its current session Monday looking into possible perjury, tax and allied matters in connection with Frank P. Balistreri, now in Sandstone Federal Prison in Minnesota, for income tax evasion.

Got \$125,000 Loan

A tie between Balistreri and Ranney was established in a federal court earlier in a document filed with the court by an assistant US attorney.

The document noted that Balistreri had been identified as the Mafia chief in this area, and said that Balistreri obtained a \$125,000 loan from a bank after Ranney told the bank that a large teamster deposit would be made if the bank granted the loan to Balistreri through Balistreri's son, Joseph, at attorney.

The bank was identified as the Continental Bank & Trust Co., formerly headed by Howard J. Meister, a local Democratic leader who now lives in Honolulu.

The affidavit said that a \$500,000 deposit from the pension fund was made Sept. 10, 1968, and that on the same day, a \$125,000 loan was made to Joseph Balistreri.

Turned Down Earlier

The affidavit said that Joseph Balistreri had tried earlier to get a loan from the bank, but was turned down.

The affidavit said that the younger Balistreri "has frequently been a cover to conceal his father's interest in various financial transactions."

The Balistreris have appeared before the grand jury.

The government has accused Frank P. Balistreri of operating half a dozen Milwaukee night spots through fronts by using his friends and relatives.

Denies Fund Misuse

Ranney has denied misuse of pension funds. Writing in the Wisconsin Teamster magazine, Ranney said he had known the Balistreri family for more than 30 years. He said no loan from the fund had been made to the Balistreris. He said the money was invested in institutions that offered a worthwhile financial return to the fund.

"When I became a trustee of the pension fund, the president of Continental Bank asked if it were possible for them to receive consideration for another certificate of deposit," Ranney wrote. "I forwarded this request to the executive secretary of the fund and subsequently a 90 day certificate of deposit in the amount of \$500,000 was purchased from Continental Bank by the fund."

"It was subsequently renewed for another 90 days and then withdrawn to be used according to the staff's timetable of investments."

Club Is Link

"Any bank official that would make a 10 year mortgage loan to Joseph Balistreri or anyone else on the basis of a 90 day certificate of deposit would, on the first examination by the state bank examiners, be called to task, and if he didn't correct it would find his bond canceled and the bank would be subject to penalties for not complying with legal banking procedures."

The Kings IV, 720 N. Water St., has been the common link of most of the witnesses testifying before the jury. The club, which has undergone extensive remodeling, is licensed to Peter Gaudesi. The building, however, had been owned by Frank Balistreri's son, Joseph, the attorney. It has since been sold to First Federal Savings and Loan Association of Wisconsin.

Witnesses have ranged from equipment and food suppliers to the night spot to persons employed there. Two public officials, Milwaukee Ald. Allen R. Calhoun Jr., chairman of the Common Council's License Committee, and Ald. Frank L. Chovanec, Cudahy's 2nd Ward alderman, were among the witnesses.

The jury is continuing to hear testimony.



Frank P. Balistreri

MI 94-316

Miscellaneous

On [redacted] MI T-6 advised that going away parties were held for FRANK BALISTRERI at Fazio's Restaurant on Jackson Street in Milwaukee, on the evenings of June 13, and 14, 1971. [redacted]



b6
b7C
b7D

On [redacted] MI T-4 advised FRANK BALISTRERI, boss of the Milwaukee LCN family, began serving his Federal prison term on June 28, 1971. [redacted]

[redacted] It was expected in view of his recently commuted sentence, BALISTRERI would be back in Milwaukee during the latter part of December, 1971.



UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Milwaukee, Wisconsin

August 19, 1971

In Reply, Please Refer to
File No.

Title FRANK PETER BALISTRIERI

Character ANTI-RACKETEERING

Reference Milwaukee report of SA DANIEL
E. BRANDT dated and captioned
as above.

All sources (except any listed below) whose identities
are concealed in referenced communication have furnished reliable
information in the past.

FBI

Date: 6/9/71

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL AIR MAIL - REGISTERED
(Priority)

TO: DIRECTOR, FBI (92-3116)
 FROM: SAC, MILWAUKEE (94-316-Sub 2)
 SUBJECT: FRANK PETER BALISTRIERI, aka
 AR
 (OO: MILWAUKEE)

Enclosed for the Bureau are two (2) copies each of newspaper articles appearing in the 6/5/71, edition of the "Milwaukee Sentinel," and in the 6/6/71, edition of the "Milwaukee Journal," regarding the conviction of [redacted] PETER BALISTRIERI and his son, JOSEPH BALISTRIERI on State Sales Tax fraud charges.

The Bureau should also be aware hearings have been scheduled in USDC, Springfield, Illinois, for 6/16/71, regarding recent motions for stay of execution and for reduction of sentence in the FRANK BALISTRIERI income tax evasion conviction.

The Bureau is requested to forward copies of the above articles and the information regarding the BALISTRIERI hearings to [redacted] Departmental Attorney handling the BALISTRIERI civil electronic surveillance suits.

2 - Bureau (Encs. 4) (AM - RM)
 2 - Milwaukee

DEB:rab
 (4)

1cc of end sent to [redacted]
 [redacted] 6-11-71

ENCLOSURE

REC-15
 EX-123

JUN 11 1971

70 JUN 12 1971
 Approved: [Signature]

Special Agent in Charge

Sent

M

Per

(Mount Clipping in Space Below)

Nightclub Officers Guilty in Tax Case

Bals, Inc., operator of The Scene nightclub here, and three of its employees and officers were found guilty Saturday night by a Dane County jury on several counts of state sales tax fraud.

The jury of six men and six women deliberated about five hours before delivering the verdict to County Judge Michael B. Torphy Jr., acting as a circuit judge.

Found guilty on 28 counts of fraud were Bals, Inc., and Miss Jennie Alioto, 43, a bookkeeper for the company. She is a cousin of the wife of Frank P. Balistreri, a Milwaukee nightclub operator.

Peter F. Balistreri, corporation president and brother of Frank, was found guilty on eight counts of sales tax fraud. His son, Joseph, secretary-treasurer, was found guilty on one count.

Madison Atty. Donald Eisenberg, representing the three defendants, said he would appeal.

Torphy scheduled a hearing for 3:30 p.m. June 23 for motions by Eisenberg and Andrew L. Somers Jr., an assistant attorney general, before sentencing.

The state charged that the corporation had actual taxable sales of \$500,939 but reported \$191,853 to the Wisconsin Department of Revenue. It also claimed that an estimated \$12,500 in sales taxes was due from Bals.

Miss Alioto was accused of conspiracy but cleared in a federal income tax evasion case in which Frank Balistreri was convicted in 1967. Balistreri was sentenced to two years in prison and fined \$10,000 after a federal jury in Springfield, Ill., found him guilty of two counts of income tax evasion.

He has remained free pending several appeals.

In final arguments Saturday, the prosecution deplored the failure of the defendants to adhere to the sales tax law while defense counsel countered that the state had not proved that fraud was committed by them.

Somers emphasized that the alleged underpayment of the sales tax did not involve "a minor amount and occurred month after month."

He also argued that the defendants were all experienced in business and should have known the state sales tax law.

"This is not a candy store," he said. This is a tavern, a nightclub, a big business."

Somers said of Miss Alioto: "She had attorneys all over the place. She had accountants. She had a lot more advice than the usual businessman has available."

Somers added: We are not trying people for making mistakes. If you believe these were all mistakes, acquit them all."

Eisenberg contended that his clients did not know that admissions, cloakroom charges and was room tips were taxable.

"I don't think the evidence shows a pattern of consistent fraud," he said. "It shows a pattern of consistent honesty."

He noted that the state had argued that the corporation's income as shown by income tax returns was less than the

taxable sales as reported on sales tax returns.

Eisenberg asked the jurors whether someone who was trying to defraud the state would knowingly make out false returns "and mail them to the same tax office."

The state found nothing but a few mathematical errors in the corporation's books, and no double set of books, Eisenberg said.

"If there had been any attempt to cheat or defraud, these books would have been changed drastically," he said. "It would have been better for the state to civilly collect the tax instead of spending the enormous amount of money that went into this trial."

(Indicate page, name of newspaper, city and state.)

A-1
THE MILWAUKEE JOURNAL
MILWAUKEE, WISCONSIN

Date: 6/6/71
Edition: LATEST
Author:
Editor: RICHARD LEONARD
Title:

Character:
or
Classification:
Submitting Office: MILWAUKEE
☐ Being Investigated

92-3116-676
ENCLOSURE

(Mount Clipping in Space Below)

Balistreri Bookkeeper Takes Tax Case Blame

By Sentinel Staff Writer

Madison, Wis. — Milwaukee nightclub operators Peter F. Balistreri and his son, Joseph, were absolved by the club's bookkeeper Friday of any blame in making false and fraudulent sales tax reports Friday.

Miss Jennie Alioto, charged with the Balistreris in the tax fraud case involving the corporation that ran The Scene, 624 N. 2nd St., testified in Dane County Court that she alone kept the corporation's books and prepared its income tax returns.

Testimony Ends Trial

Her four hours of testimony ended the trial of the case in which Atty. Gen. Robert W. Warren's strike force on organized crime has charged the corporation with making false and fraudulent reports to avoid paying sales tax on almost \$300,000 in income.

Peter Balistreri is president of Bals, Inc., the corporation which operates the nightclub; Joseph is its secretary-treasurer and Miss Alioto, its bookkeeper.

Testimony brought out by the trio's lawyer, Donald Eisenberg of Madison portrayed Miss Alioto as a self-taught bookkeeper who worked only for friends.

She claimed that she did not know the estimated \$300,000 income from the sale of admission tickets and cloakroom and lavatory concessions was subject to the state selective sales tax.

1965 to 1969

The income involved was from a period that stretched from September, 1965, to June, 1969, for which an estimated \$12,500 in sales taxes is due.

Miss Alioto said that six errors uncovered by a state auditor in her books "could have been made by hitting the wrong key on an adding machine."

She said that original entries in her books were made in ink and that numerous erasures were corrections of other errors that she had discovered before the investigation.

Original cash register receipts and financial "scratch sheets" on which daily records were kept have been thrown away and the books are the only documents that show the corporation's earnings, she said.

She cited carelessness as the reason no income was reported for The Scene during December, 1968, when the corporation's attack on organized crime had gross sales of \$9,416.05. The corporation had no sales in January, 1969, and she mistakenly recorded the same report for the previous month, she said.

She admitted changing figures in her books relating to sales tax reports after "someone had mentioned to me I was doing it wrong."

The state began investigating the books of Bals, Inc., on Feb. 14, 1969, and the three were charged in December of that year.

Miss Alioto claimed that she had called the State Department of Revenue many times to clear up questions about what income was subjected to state sales tax.

She said an unidentified person in the department's Milwaukee office had told her the nightclub's admission tickets, cloakroom and lavatory concessions were exempt from the sales tax.

She admitted signing Peter F. Balistreri's name to many of the monthly sales tax reports. She said that Joseph signed at least one of them.

Worked for Others

In testimony brought out by Asst. Atty. Gen. Andrew Somers, Miss Alioto said she was the bookkeeper for several other nightclub businesses in Milwaukee including the Brass Rail; Ben-Kay, Inc., which operates the Brass Rail and Milwaukee Tradewinds, Inc., which operated the Pub and Gallagher's.

All are linked to Frank P. Balistreri, Peter's brother, whose Milwaukee nightclub operations have been the target of the Justice Department's attack on organized crime.

(Indicate page, name of newspaper, city and state.)

A-12
MILWAUKEE SENTINEL
MILWAUKEE, WISCONSIN

Date: 6/5/71
Edition: FINAL
Author:
Editor: HARVEY W.
Title: SCHWANDNER

Character:
or
Classification:
Submitting Office: MILWAUKEE
☐ Being Investigated

92-3116-676
ENCLOSURE

UNITED STATES GOVERNMENT

Memorandum

TO : *L* DIRECTOR, FBI (92-3116)

DATE: 6/16/71

FROM : SAC *[Signature]* WFO (92-2188) (RUC)

SUBJECT: FRANK PETER BALISTRIERI, aka
AR
(OO:MI)

Re Chicago let of 5/10/71.

On June 14, 1971, Assistant Clerk,
U.S. Supreme Court advised that the Petition for a Writ of
Certiorari submitted by the subject was denied by the court
on May 3, 1971.

b6
b7C

The above concludes action by the Supreme Court in
this manner.

EX-113
REC-35

92-3116-677

27 JUN 27 1971

2- Bureau
2- Chicago (92-414)
2- Milwaukee (94-316)

1- WFO

HDP: CAB

(7)

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan



FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

JUN 16 1971 *me*

TELETYPE

NR006 MI PLAIN

3:25 PM URGENT 6/16/71 PMM

TO: DIRECTOR (92-3116)
FROM: MILWAUKEE (94-316) -P 1P

Mr. Tolson	_____
Mr. Sullivan	_____
Mr. Mohr	_____
Mr. Bishop	_____
Mr. Brennan	CD
Mr. Callahan	_____
Mr. Casper	_____
Mr. Conrad	_____
Mr. Dalbey	_____
Mr. Felt	_____
Mr. Gale	✓
Mr. Rosen	_____
Mr. Tavel	_____
Mr. Walters	_____
Mr. Soyars	_____
Mr. Beaver	_____
Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

FRANK PETER BALISTRIERI, AKA, AR. OO: MILWAUKEE.

CR AUSA [REDACTED] EDW, MILWAUKEE, ADVISED

HEARINGS WERE HELD JUNE SIXTEEN INSTANT IN USDC, SPRINGFIELD, ILL.,
BEFORE JUDGE OMER POOS, RELATIVE TO MOTIONS FILED BY BALISTRIERI
FOR REDUCTION OF SENTENCE AND STAY OF EXECUTION OF SENTENCE IN
BALISTRIERI'S PAST INCOME TAX EVASION CONVICTION.

AFTER SHORT HEARING, JUDGE POOS ORDERED BALISTRIERI'S
PREVIOUS TWO YEAR AND TEN THOUSAND DOLLAR FINE SENTENCE REDUCED
TO TWO CONCURRENT ONE YEAR AND ONE DAY SENTENCES, PLUS A TEN
THOUSAND DOLLAR FINE. *me*

BALISTRIERI, WHO IS BOSS OF MILWAUKEE LCN FAMILY, WAS
ORDERED TO TURN HIMSELF IN TO USM, MILWAUKEE, ON JUNE TWENTYEIGHT
NEXT TO BEGIN SERVING SENTENCE. REC-36 92-3116-678

BUREAU WILL BE ADVISED OF FURTHER DEVELOPMENTS.

E N D

MSE

FBI WASH DC

53 JUN 25 1971

F327

ATTY

ADVISED
6/18/71
AHS

JUN 22 1971

b6
b7C

UNITED STATES GOVERNMENT

Memorandum

TO : DIRECTOR, FBI (92-3116)

FROM : SAC, CHICAGO (92-414) (RUC)

SUBJECT: FRANK PETER BALISTRERI, aka
AR
OO: MILWAUKEE

DATE: 6/24/71

APPEAL

Re Chicago letter to Bureau dated 5/10/71
and WFO letter to Bureau dated 6/16/71.

The Criminal Law Reporter of May 5, 1971,
reflects that the U. S. Supreme Court denied certiorari
on May 3, 1971, in the case BALISTRERI v. U. S.,
No. 1455, 9 CrL 4034 and 4037. WFO confirmed.

A review of Docket No. 18223, U. S. Court of
Appeals for the Seventh Circuit on June 17, 1971, by
SA [redacted] determined that an order of the
U. S. Supreme Court was filed on May 12, 1971, denying
certiorari to BALISTRERI.

On May 20, 1971, the Court of Appeals issued
a mandate to the U. S. District Court, Southern District
of Illinois, Southern Division. A receipt of the
District Court was filed for the mandate and record on
May 26, 1971.

This concludes the appeal in this matter.

- ② - Bureau
- 2 - Milwaukee (94-316)
- 2 - Springfield (92-)
- 2 - Chicago)
(1 - 92-1839)

WMP/eje
(8)

EX 101
REC-36

92-3116-679

10 JUN 28, 1971

54 JUL 1 1971

F41



F B I

Date: 7/23/71

Transmit the following in _____
(Type in plaintext or code)Via AIRTEL AIR MAIL
(Priority)

TO : DIRECTOR, FBI (92-3116)
FROM *H/yp* SAC, MILWAUKEE (94-316) (P)
SUBJECT: FRANK PETER BALISTRIERI, aka
AR

Reference to Milwaukee airtel 5/27/71.

For the information of the Bureau, FRANK BALISTRIERI,
who began serving a one year prison term on 6/28/71 for income
tax evasion [redacted]
[redacted]

Grand Jury [redacted]
[redacted]The Grand Jury [redacted]
[redacted]

② Bureau (AM)
2- Milwaukee
DEB:lrh
(4)

EX-109 REC-38

92-3116-680

7 JUL 28 1971

NINE

Approved: *62 AUG 2 1971*

Special Agent in Charge

Sent _____ M Per _____

b3

FEDERAL BUREAU OF INVESTIGATION

REPORTING OFFICE Milwaukee	OFFICE OF ORIGIN Milwaukee	DATE 8/19/71	INVESTIGATIVE PERIOD 4/6/71 - 8/16/71
TITLE OF CASE FRANK PETER BALISTRIERI, aka		REPORT MADE BY SA DANIEL E. BRANDT	TYPED BY mh
		CHARACTER OF CASE AR	

REFERENCES

Milwaukee report of SA DANIEL E. BRANDT, 3/26/71
 Milwaukee airtels to Bureau 4/1/71, 5/27/71, 7/23/71
 Milwaukee teletypes to Bureau, 5/4/71, and 6/16/71

-P*-

LEADSMILWAUKEE DIVISIONAt Milwaukee, Wisconsin

Will reopen this case on 1/3/72, to secure information
 re the subject's release from Sandstone Prison.

ACCOMPLISHMENTS CLAIMED						<input checked="" type="checkbox"/> NONE	ACQUIT- TALS	CASE HAS BEEN:
CONVIC.	AUTO.	FUG.	FINES	SAVINGS	RECOVERIES			
							None	PENDING OVER ONE YEAR <input type="checkbox"/> YES <input type="checkbox"/> NO PENDING PROSECUTION OVER SIX MONTHS <input type="checkbox"/> YES <input type="checkbox"/> NO

APPROVED: *[Signature]* SPECIAL AGENT
 IN CHARGE

COPIES MADE:

③-Bureau (92-3116) (RM)
 1-USA, Milwaukee
 1-Chicago (Attorney-in-Charge, AIC,
 Chicago Field Office
 SHELDON DAVIDSON) (RM)
 2-Milwaukee (94-316)

DO NOT WRITE IN SPACES BELOW

72-3116-681	REC-8
AUG 27 1971	EX-100

Dissemination Record of Attached Report			
Agency			
Request Recd.	1	CC. AAG, Criminal Division,	
Date Fwd.		Organized Crime and Racketeering	
How Fwd.			
By		Section, Room 2744	

Notations

**MAILED
 SEPT 1 1971**

COSEP 9 1971

COVER PAGE A

MI 94-316

INFORMANTS

MI T-1 is [redacted] contacted by SA DANIEL E. BRANDT
on [redacted]

MI T-2 is [redacted] contacted by SA DANIEL E. BRANDT
on [redacted]

MI T-4 is [redacted] contacted by SA DANIEL E. BRANDT
on [redacted]

MI T-5 is [redacted] contacted by SA [redacted]
on [redacted]

MI T-6 is [redacted] contacted by SA DANIEL E. BRANDT on
[redacted]

b6
b7C
b7D

ADMINISTRATIVE

This report reflects an extended investigative period, however, this case has been kept current through active investigation and inter-office communications.

This case has been placed in a pending inactive status due to subject's present confinement in Federal prison at Sandstone, Minnesota. This case will be reopened on 1/3/72, to bring the investigation up to date.

The following information is being set forth in the Administration section of this report as dissemination of this information could possibly result in compromise of valuable informants:

On [redacted] advised [redacted]
[redacted]
[redacted] BALISTRIERI said [redacted]

b7D

ME 94-316

The informant said Milwaukee LCN members [REDACTED]

[REDACTED]
[REDACTED] FRANK BALISTRERI [REDACTED]

[REDACTED] Informant said he did not believe [REDACTED]
[REDACTED]

b7D

On [REDACTED] advised that he had read recent articles in the local newspapers which indicate FRANK BALISTRERI would start serving a jail sentence on June 28, 1971. The informant commented he did not believe anyone in the Milwaukee outfit would make any effort to take over as boss in BALISTRERI's place, as actually the Milwaukee outfit is dormant due to the old age of its members and being boss of a dormant outfit would lead to no advantages for the person taking over the leadership.

b7D

On [REDACTED] advised FRANK BALISTRERI started to serve his prison term in the Sandstone, Minnesota, Penitentiary, on June 28, 1971. Informant said BALISTRERI [REDACTED]
[REDACTED]

b7D

Informant advised that [REDACTED] BALISTRERI [REDACTED]
[REDACTED]

b7D

[REDACTED] that BALISTRERI is in prison [REDACTED]
[REDACTED]

On [REDACTED] advised that he had heard rumors [REDACTED]
[REDACTED]

b7D

MI 94-316

[redacted]
[redacted] Later. BALISTRIERI [redacted]
[redacted]

b7D

On [redacted] informant indicated [redacted]
[redacted]

b7D

[redacted] advised BALISTRIERI was now making preparations to serve his two-year Federal prison sentence as a result of the recent denial by the Supreme Court to hear his second appeal on his 1967 income tax conviction.

b7D

On [redacted] advised he finally [redacted]
[redacted] FRANK

BALISTRIERI. [redacted]
[redacted]

b7D

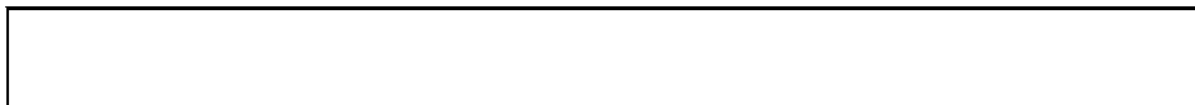
On [redacted] advised that during the first week of [redacted] FRANK BALISTRIERI [redacted]
[redacted]

b7D

[redacted]
[redacted] when BALISTRIERI goes to jail.
[redacted]

b7D

MI 94-316



b7D

COVER PAGE E*

UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION

Copy to: 1-USA, Milwaukee
1-Chicago, Attorney-in-Charge, AIC, Chicago
Field Office, SHELDON DAVIDSON

Report of: SA DANIEL E. BRANDT Office: Milwaukee
Date: August 19, 1971

Field Office File #: MI 94-316 Bureau File #: 92-3116

Title: FRANK PETER BALISTRIERI

Character: ANTI-RACKETEERING

Synopsis: On May 3, 1971, U. S. Supreme Court declined certiorari in BALISTRIERI's income tax evasion case on June 16, 1971. U. S. District Judge OMER POOS reduced BALISTRIERI's sentence to two concurrent one year and one day terms, plus a \$10,000 fine. BALISTRIERI began prison confinement at Sandstone, Minnesota, on June 28, 1971. Information re court action against BALISTRIERI's controlled business establishments set forth.

-P*-

DETAILS:

Status of Income Tax Evasion Conviction

On May 3, 1971, the United States Supreme Court declined BALISTRIERI's petition for a writ of certiorari which was filed with the court on March 11, 1971.

On May 21, 1971, attorneys for FRANK BALISTRIERI signed motions in the U. S. District Court, Springfield, Illinois, for a stay of execution of sentence and for modification and reduction of sentence due to reasons of poor health. The following medical affidavits were signed as part of these motions which reflected on the health of FRANK BALISTRIERI:

Deleted Copy Sent *Frank Balistrieri*
By Letter 8/19/71
Per FOIA Request

MI 94-316

Hearings on the above motions were held before United States District Court Judge OMAR POOS, Springfield, Illinois, on June 16, 1971. Judge POOS ordered BALISTRERI's previous two year and \$10,000 fine sentence to be reduced to two concurrent one year and one day sentences, plus a \$10,000 fine. BALISTRERI was further ordered to surrender himself to the U. S. Marshal, Milwaukee, Wisconsin, at 10:00 a.m. June 28, 1971, to begin serving his sentence.

On June 28, 1971, FRANK BALISTRERI surrendered himself directly to authorities at the Federal Correctional Institution, Sandstone, Minnesota, and began serving his sentence.

Business Enterprises

The following are copies of newspaper articles appearing in Milwaukee, Wisconsin, newspapers regarding FRANK BALISTRERI's nightclub operations:

(Mount Clipping in Space Below)

Attorney Sued for Work at Bar

Atty. Joseph P. Balistreri is being sued by a firm that demanded he pay \$7,841 for work the firm did on the Kings IV bar, 720 N. Water St., in 1968 and 1969.

Basic Fixtures, Inc., 422 N. 50th St., said it installed cabinets, booths, tables and a bar, among other items, and that Balistreri, who had authorized the work, refused to pay.

The firm said Balistreri's father, Frank P. Balistreri, acted as agent for his son.

Joseph Balistreri was unavailable for comment Saturday.

(Mount Clipping in Space Below)

High Court Refuses Tavern Officers' Plea

By Edward S. Kerstein
of The Journal Staff

Madison, Wis. — Three officers of a tavern linked to Frank P. Balistreri were denied an order from the Wisconsin Supreme Court Wednesday to block a Madison court order to give samples of handwriting in a 37 count state sales tax fraud case.

After hearing oral arguments, the seven justices decided in chambers that the petition for the order would not be granted because there was no showing of irreparable harm.

Andrew Somers, an assistant attorney general, had asked Dane County Judge Michael B. Torphy Jr. to hold the three officers of Bals, Inc., in contempt and order the deputy sheriffs to bring the trio into court.

Meeting Set Tuesday

Torphy took no action but scheduled a hearing for Tuesday afternoon. The hearing was held in abeyance after Chief Justice E. Harold Hallows of the Supreme Court signed an order directing Torphy to show cause Wednesday why Torphy's April 12 directive for the handwriting specimens should not be prohibited.

Somers represented Torphy in the arguments Wednesday in which he contended there was no legal basis for the high court to intervene in the proceedings before Torphy.

The three officers of Bals, Inc., are Peter F. Balistreri, corporation president; his son, Joseph, and Miss Jennie Alloto, the corporation's bookkeeper. Peter is the brother of Frank, nightclub operator, and a target of Atty. Gen. Robert Warren's drive against organized crime.

28 Counts Listed

Bals is charged with 28 counts of making fraudulent state sales tax returns between November, 1966, and March, 1969. Miss Alloto was charged

in all 28 counts, Peter in eight counts and Joseph in one.

All have pleaded not guilty to the charges which involve underestimated nightclub income of nearly \$410,000, according to the state.

Torphy had ordered the three to appear before him April 19 and give handwriting specimens, but they had failed to appear. Somers said the specimens were needed to establish who signed the corporation's legal documents. The trial has been scheduled for the first week in June.

No Legal Authority?

Madison Atty. Donald S. Eisenberg argued before the high court Wednesday that there was no legal authority for Torphy to order the three officers of Bals to provide handwriting samples.

Justice Bruce F. Beilfuss commented during the oral arguments that it appeared that the issues in the tax case could be heard on appeal after the case was tried.

"If the defendants are acquitted," said Beilfuss, "this question (of handwriting samples) would be moot."

(Mount Clipping in Space Below)

Three Found In Contempt, Then Cleared

Sentinel-Madison Bureau

Madison, Wis. - Three officers of a Milwaukee tavern linked to Frank P. Balistreri gave samples of their handwriting in a sales tax fraud case Friday.

Their action cleared them of a citation for contempt of court under which they could have served six months in jail.

The three officers of Bals, Inc., the corporation that operated The Scene, 624 N. 2nd St., Milwaukee, are:

Miss Jennie Alioto, the firm's bookkeeper; Peter F. Balistreri, Bals president; and Joseph P. Balistreri, Bals secretary-treasurer and Peter's son.

All three refused a court order, upheld in a challenge to the State Supreme Court, that they submit samples of their handwriting as evidence in the case.

They repeated the words of their attorney, Donald S. Eisenberg of Madison, that submitting samples of their handwriting would violate their constitutional rights.

After each took the witness stand and refused to fill out a five page document with 82 separate items for them to copy, County Judge Michael B. Torphy Jr. found them in contempt of court and sentenced them to six months in jail.

Each then was permitted to purge himself by filling out the document that contained names of various businesses and people and instructions to write and print the letters of the alphabet.

The handwriting specimens were sought by Asst. Atty. Gen. Andrew Somers, who said they were needed to establish who signed legal documents for Bals, Inc.

Bals is charged with 28 counts of making fraudulent state sales tax returns between November, 1966, and March, 1969.

Miss Alioto is charged with 28 counts, Peter with eight and Joseph with one.

All pleaded not guilty to the charges which involve allegations of underestimating nightclub income by nearly \$416,000.

Torphy set the case for trial at 9 a.m. June 1.

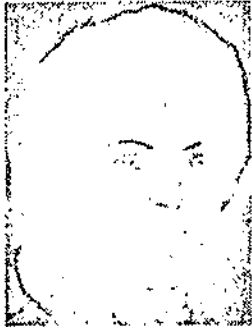
(Mount Clipping in Space Below)

Balistrieri Bookkeeper Takes All Responsibility for Taxes

By Edward S. Kerstein
of The Journal Staff

Madison, Wis. — Miss Jennie Alioto, bookkeeper for Bais, Inc., operator of a Milwaukee nightclub, Friday assumed all responsibility for filing inaccurate monthly state sales tax statements for the corporation.

Miss Alioto testified before a Dane County Court jury in a trial involving her and two officers of the corporation on 37



Miss Jennie Alioto

counts of making fraudulent monthly sales tax reports during 28 specified months between January, 1966, and March, 1969.

The state charges that the corporation had actual taxable sales of \$500,939 but reported \$191,853 to the State Department of Revenue.

The corporation operates The Scene, a nightclub at 624 N. 2nd St.

Besides Miss Alioto, the other defendants are Peter F. Balistrieri, corporation president, and his son, Joseph, secretary-treasurer of the firm.

In response to questions asked by Madison Atty. Gen. Ald Eisenberg, who is representing the defendants, Miss Alioto said she did not willfully file fraudulent returns.

No Formal Training

She said she had no formal training as a bookkeeper, although she had kept business books for 20 years for friends and relatives.

Miss Alioto said she did not list for state sales tax purposes revenues received on admissions to The Scene, cloakroom charges and washroom tips.

She testified that no one had informed her that any of these items were subject to the state sales tax. She said that once she called an employee in the Sales and Use Tax Department of the State Department of Revenue in Milwaukee to inquire if admissions to the nightclub were subject to the state sales tax.

She said the state aide advised her that "to their knowledge the admissions were not taxable."

Miss Alioto also said she had obtained a pamphlet on state sales taxes, but that she could not determine from it whether taxes should be paid on items that the state now claims were subject to the sales tax.

She conceded that she had made errors in the corporation's ledger. When Eisenberg asked her to explain some of the errors in addition, she replied: "I might have pressed the wrong adding-machine button or could have included wrong figures."

"Did the corporation keep a double set of books?" asked Eisenberg.

"No, it did not," Miss Alioto replied.

She testified that after she recorded the figures from cash register tapes into the ledger books she threw the tapes away.

"But I did not destroy them," she said. "I just threw them away. I never said to anyone that I destroyed them."

Miss Alioto testified that on some nights as many as 2,300 persons paid admissions.

Miss Alioto said that on one night that she worked in the cloakroom the receipts from it totaled \$371. She also said that in March, 1967, for example, the nightclub's gross receipts were \$21,234 and the sales tax report listed a taxable amount of \$8,000. She attributed the difference to revenue from admissions, cloakroom and washroom facilities, which she did not feel were subject to the sales tax.

She said she had signed Peter Balistrieri's name on occasions on tax forms in order to meet the sales tax deadline.

Miss Alioto took the stand after the state rested Thursday.

(Mount Clipping in Space Below)

Nightclub Officers Guilty in Tax Case

Bals, Inc., operator of The Scene nightclub here, and three of its employes and officers were found guilty Saturday night by a Dane County jury on several counts of state sales tax fraud.

The jury of six men and six women deliberated about five hours before delivering the verdict to County Judge Michael B. Torphy Jr., acting as a circuit judge.

Found guilty on 28 counts of fraud were Bals, Inc., and Miss Jennie Alioto, 43, a bookkeeper for the company. She is a cousin of the wife of Frank P. Balistrieri, a Milwaukee nightclub operator.

Peter F. Balistrieri, corporation president and brother of Frank, was found guilty on eight counts of sales tax fraud. His son, Joseph, secretary-treasurer, was found guilty on one count.

Madison Atty. Donald Eisenberg, representing the three defendants, said he would appeal.

Torphy scheduled a hearing for 3:30 p.m. June 23 for motions by Eisenberg and Andrew L. Somers Jr., an assistant attorney general, before sentencing.

The state charged that the corporation had actual taxable sales of \$500,939 but reported \$191,853 to the Wisconsin Department of Revenue. It also claimed that an estimated \$12,500 in sales taxes was due from Bals.

Miss Alioto was accused of conspiracy and cleared in a federal income tax evasion case in which Frank Balistrieri was convicted in 1967. Balistrieri was sentenced to two years in prison and fined \$10,000 after a federal jury in Springfield, Ill., found him guilty of two counts of income tax evasion.

He has remained free pending several appeals.

In final arguments Saturday, the prosecution deplored the failure of the defendants to adhere to the sales tax law while defense counsel countered that the state had not proved that fraud was committed by them.

Somers emphasized that the alleged underpayment of the sales tax did not involve "a minor amount and occurred month after month."

He also argued that the defendants were all experienced in business and should have known the state sales tax law.

"This is not a candy store," he said. "This is a tavern, a nightclub, a big business."

Somers said of Miss Alioto: "She had attorneys all over the place. She had accountants. She had a lot more advice than the usual businessman has available."

Somers added: "We are not trying people for making mistakes. If you believe these were all mistakes, acquit them all."

Eisenberg contended that his clients did not know that admissions, cloakroom charges and room tips were taxable.

"I don't think the evidence shows a pattern of consistent fraud," he said. "It shows a pattern of consistent honesty."

He noted that the state had argued that the corporation's income as shown by income tax returns was less than the

taxable sales as reported on sales tax returns.

Eisenberg asked the jurors whether someone who was trying to defraud the state would knowingly make out false returns "and mail them to the same tax office."

The state found nothing but a few mathematical errors in the corporation's books, and no double set of books, Eisenberg said.

"If there had been any attempt to cheat or defraud, these books would have been changed drastically," he said. "It would have been better for the state to civilly collect the tax instead of spending the enormous amount of money that went into this trial."

(Mount Clipping in Space Below)

Ex-Operators of Bar Charged in Tax Case

Mando Enterprises, a corporation linked to Frank P. Balistrieri, was accused Friday in Madison of making false and fraudulent sales tax returns.

Through an attorney, Joseph Balistrieri, Frank's son, the corporation pleaded innocent at an arraignment in Dane County Court. A trial date is to be set later by Judge William Byrne.

Mando operated the Ad Lib, a tavern at 323 W. Wells St., until July, 1970, when it was taken over by Joseph F. Enea, a Balistrieri associate.

Andrew L. Somers Jr., an assistant state attorney general, who is prosecuting the case, charged that returns for April, May, and June, 1968, were falsified with the intent to evade paying the sales taxes.

He said that in April, the corporation reported taxable sales of \$7,401 when it should have reported \$14,379.

In May the firm reported sales of \$8,030, but should have reported \$16,732, he said.

In June, Somers said, the corporation reported \$7,450 when it should have reported \$15,349.

Officers of Mando are Joseph Maniaci, 3326 N. Richards St., president, and Frances Maniaci, vice president. Maniaci tends bar at the Downtowner, a tavern in which Frank Balistrieri owns stock, at 340 W. Wells St.

Last week Bals, Inc., which operates The Scene here, and three of its employees and officers were found guilty on 37 counts of state sales tax fraud. Sentencing will be later this month.

Frank Balistrieri has been a target in the Wisconsin attorney general's drive against organized crime.

(Mount Clipping in Space Below)

Kings IV Faces Charge of Refilling Liquor Bottle

The latest charge involving the Kings IV, 720 N. Water St., — having a refilled liquor bottle on the premises — was issued this week, eight months after a state agent made the original investigation.

Asst. Dist. Atty. Michael Ash said the delay came about because it took that long for state agents to locate another bottle of Old Taylor bourbon.

The complaint issued Tuesday against Peter Gaudesi, 41, of 3120 W. Wells St., licensee of the tavern, said that on Oct. 6 State Agent Elliot Griffin had taken a sample from a bottle labeled Old Taylor. The liquid taken from the bottle did not match another sample of Old Taylor, the complaint said.

Kings IV has been plagued with licensing and legal difficulties in the last year. Its last application for a city tavern license was approved over objections from the attorney general and the Milwaukee Police Department. A charge against Gaudesi of selling drinks without a state seller's permit was dismissed last November.

Atty. Gen. Robert W. Warren wrote to the Common Council's License Committee saying that the tavern was linked to Frank P. Balistreri, who has been convicted of income tax evasion.

MI 94-316

On [] MI T-4 advised FRANK BALISTRERI's Kings IV restaurant has been closed and that his nightclub The Downtowner is expected to close during July, 1971, when it will be raised for freeway development.

b7D

On [] MI T-1 advised that PETER BALISTRERI's son, JOSEPH BALISTRERI, returned to Milwaukee recently from Las Vegas, Nevada. It has been rumored FRANK BALISTRERI would reopen the Kings IV and that JOSEPH BALISTRERI would take over the management.

On [] MI T-5 advised PETER BALISTRERI's son, JOSEPH BALISTRERI, was now in charge of the Kings IV, one of BALISTRERI's nightclubs. The restaurant part of the nightclub was not reopened and only the bar remains open at this time.

MI T-2 advised FRANK BALISTRERI's Kings IV nightclub was recently reopened under the management of JOSEPH BALISTRERI, son of PETER BALISTRERI. MI T-2 advised that the building in which the Kings IV is located has been sold, but BALISTRERI was permitted to operate the nightclub for two years on a rent-free basis as part of the sale agreement.

The following articles appeared in Milwaukee newspapers with regard to Federal Grand Jury hearings conducted in Milwaukee, Wisconsin, relative to possible perjury charges in connection with the filing of business ownership forms for the Internal Revenue Alcohol, Tobacco and Tax Division, and also regarding concealment of tavern ownership:



Department of Justice

Mr. Tolson ☒
Mr. Felt ☒
Mr. Rosen ☒
Mr. Mohr ☒
Mr. Bishop ☒
Mr. Miller, ES ☒
Mr. Callahan ☒
Mr. Casper ☒
Mr. Conrad ☒
Mr. Dalbey ☒
Mr. Cleveland ☒
Mr. Ponder ☒
Mr. Bates ☒
Mr. Tavel ☒
Mr. Walters ☒
Mr. Soyars ☒
Tele. Room ☒
Miss Holmes ☒
Miss Gandy ☒

FOR IMMEDIATE RELEASE
TUESDAY, NOVEMBER 9, 1971

FILE
FRANK PETER BALISTRERI

The alleged head of the organized crime family in Milwaukee, his son, and four of their associates were indicted today by a federal grand jury on various charges including concealed ownership of a nightclub, false federal tax statements and conspiracy.

Attorney General John N. Mitchell said the 10-count indictment was returned in U.S. District Court in Milwaukee.

Indicted were:

~~Frank Balistreri~~
Frank Balistreri, 53, named by the Justice Department in 1967 as alleged head of the organized crime family in Milwaukee and who is currently in the Federal Correction Institution at Sandstone, Minnesota, serving a one-year sentence for income tax evasion he began in June, 1971;

His son Joseph, 31, a Milwaukee attorney who recently was appointed a Milwaukee County Circuit Court Commissioner;

Angelo DiGiorgio, 34, of Milwaukee, occupation unknown;

NOT RECORDED

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Peter Gaudesi, 40, of Milwaukee, a nightclub
employee;

Miss Jennie Alioto, 45, occupation unknown; *R. APPROX 1926 WIS.*

Miss Susan Bartfield, 31, of North Whitefish Bay,
a Teamsters Union employee in Milwaukee. *R. APPROX 1940 WIS.*

The first count of the indictment charged that
all of the defendants conspired -- from June, 1967, to the
present -- to conceal Frank Balistrieri's illegal ownership
of a Milwaukee nightclub, the King's IV. *WIS.*

It said that as part of the conspiracy Joseph
Balistrieri, who owned the building housing King's IV, covered
up his father's interest in the nightclub by falsely claiming
that first Dino Giorgio and then Gaudesi ran the business.

Also to conceal the true ownership, the indictment
said, the defendants conspired to make false statements on
Treasury Department forms required for places selling
liquor and to file false income tax returns in 1969 and 1970.

The indictment alleged that as part of the
conspiracy Jennie Alioto kept the books for the King's IV
and Susan Bartfield acted as a manager and hostess of the
club.

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SPECIAL INVEST DIV
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Count two of the indictment charged DiGiorgio with making a false federal income tax return for 1969 in that he said he carried on the business of King's IV, and the third count charged him with the same for 1970.

The fourth and fifth counts charged DiGiorgio with filing false forms with the Treasury Department required for places selling liquor for the fiscal years 1969 and 1970.

Count six charged Gaudesi with filing a false special tax form with the Treasury in 1970 and a false income tax return in 1970.

The last three counts charged Frank Balistrieri with failing to file in 1969, 1970 and 1971, the special tax forms with the Treasury required for operation of a retail liquor business.

Maximum penalty upon conviction on each count of filing a false document to conceal ownership is five years in prison and a \$10,000 fine; for each count of filing false tax documents three years in prison and a \$5,000 fine, and for conspiracy, five years in prison and a \$10,000 fine.

Mr. Mitchell said today's indictment was the result of the coordination efforts of the Justice Department's Chicago Strike Force on Organized Crime.

OVER

The Attorney General said the investigation was conducted by the Chicago and Milwaukee offices of the Treasury Department's Alcohol, Tobacco and Firearms Division, the Intelligence Division of the Internal Revenue Service and Wisconsin Attorney General Robert W. Warren and the Wisconsin Department of Justice's Organized Crime Section.

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